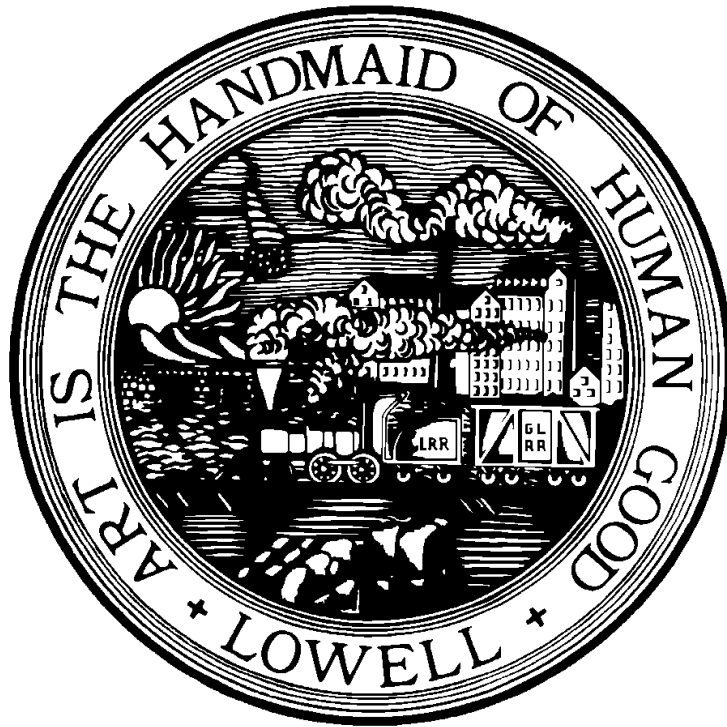


**March 30, 2005 DRAFT**  
**City of Lowell, Massachusetts**  
**2005**



***Analysis of Impediments  
To  
Fair Housing Choice***

Prepared by the  
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## **I. INTRODUCTION AND EXECUTIVE SUMMARY OF THE ANALYSIS**

In an effort to end housing segregation, the U.S. Congress passed Title VIII of the Civil Rights Act of 1968, making acts of housing discrimination based on race, sex, national origin, religion, or ethnicity illegal. Congress amended this landmark legislation in 1988 making acts of discrimination against families with children and people with mental or physical illness equally unlawful. Under Massachusetts law it is unlawful to discriminate against an individual because they are recipients of public assistance, including housing certificates or vouchers.

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, requires that the U.S. Department of Housing and Urban Development implement its programs in a manner that affirmatively furthers Fair Housing (AFFH). Until recently, only general guidelines were provided for many years to CDBG grantees in fulfilling the AFFH requirement. In 1989, HUD required CDBG grantees to undertake an Analysis to the Impediments to Fair Housing Choice (AI). Grantees are now required to report on the progress in meeting the actions to eliminate fair housing impediments in their Consolidated Plan Annual Performance Report (CAPER).

The Consolidated Plan's Certification to "Affirmatively Furthering Fair Housing," requires entitlement communities to undertake Fair Housing Planning. The Analysis to the Impediments of Fair Housing should be viewed as part of the City's Consolidated Plan. The report has been completed to meet requirements of the Housing and Community Development Act, as amended, and the HUD regulations governing the preparation of the "Consolidated Plan." The Lowell Division of Planning and Development conducted this analysis to identify impediments to Fair Housing in Lowell, Massachusetts. The City is committed to taking the appropriate actions to overcome the effects of any impediments identified through this analysis, and will maintain records reflecting the analysis and actions taken in this regard.

Fair Housing choice is a complex issue involving diverse and wide-ranging considerations and it is important to understand and distinguish between the "impediments to fair housing choice" and "barriers to affordable housing". In undertaking this analysis, the role of economics, historical housing patterns, and personal choice are important to consider when examining Fair Housing choice. Affordability in the market is largely dependent upon supply and demand and proximity to public transportation. The economics of the marketplace, therefore, limits the availability of housing to households with limited income and may lead to the concentration of low-income minority groups in certain neighborhoods with more readily available affordable housing.

The purpose of Fair Housing laws extend beyond the basic issues of economics to consider discrimination within the housing delivery system that impedes a household's ability to make a personal housing choice that is within their economic means. Impediments to Fair Housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict the availability of housing choice. It also includes any actions, omission, or decisions that have this effect. Discrimination includes discriminatory rental, real estate, and lending practices, Not In My Backyard (NIMBY) attitudes, and exclusionary zoning regulations, that limit housing choices for

minorities, families with children, and other protected classes. This analysis attempts to examine the impediments to housing choice within that context.

Although the barriers to affordable housing are related to fair housing choice, this document will focus on the impediments to fair housing. The barriers to affordable housing are addressed extensively in the City's Consolidated Planning document.

## **A. Who Conducted**

The Lowell Division of Planning and Development (DPD) prepared the Analysis of the Impediments to Fair Housing, with the assistance of a consultant. The DPD is the lead agency in administering the City's HOME Program, Community Development Block Program, Emergency Shelter Grant Program, and the Continuum of Care McKinney Programs.

## **B. Participants**

The participation of many of the City's community-based agencies provided valuable insight and information. Participation included interviews and public hearing in put. Participating agencies included:

- Cambodian American League of Lowell
- City of Lowell, Assessors Department
- City of Lowell, Inspectional Services Department
- City of Lowell, Land-use Department
- Coalition For A Better Acre
- Community Teamwork Inc.
- Council on Aging (COA)
- Fair Housing Center of Greater Boston
- Greater Lowell Landlords Association
- Lowell House, Inc.
- Lowell Housing Authority
- Lowell Regional Transportation Authority
- Lowell Transitional Living Ctr. (TLC)
- Massachusetts Commission Against Discrimination
- Merrimack Valley Housing Partnership
- Merrimack Valley Housing Partnership (MVHP)
- Merrimack Valley Legal Services
- Neighborhood Legal Services
- Northeast Independent Living Program
- St. Anne's Episcopal Church
- St. Julie Asian Ctr.

### **C. Methodology Used**

The intent of this analysis is to update the 2001 Analysis of the Impediments to Fair Housing Choice, a comprehensive review of policies, practices and procedures that affect the location, availability, and accessibility of housing and current residential patterns and conditions. The updated version will:

- Review the 2001 Impediments and Actions taken to address them
- Assess whether the City has made substantive progress towards eliminating the impediments
- Analyze any additional impediments that exist using updated U.S. Census information, public hearings, interviews, recent City of Lowell Planning documents, and other documents that have been completed since 2001.
- Recommend actions to address any new impediments

The update was developed based on a variety of different methods including:

- Consideration of two public hearings;
- Demographic analysis at the block group level using Geographic Information systems software;
- Interviews with City and Housing Authority officials, and Lowell Housing Providers;
- Home Mortgage Disclosure Act (HMDA) data for Lowell Banking Institutions was obtained to analyze the lending practices of financial institutions.

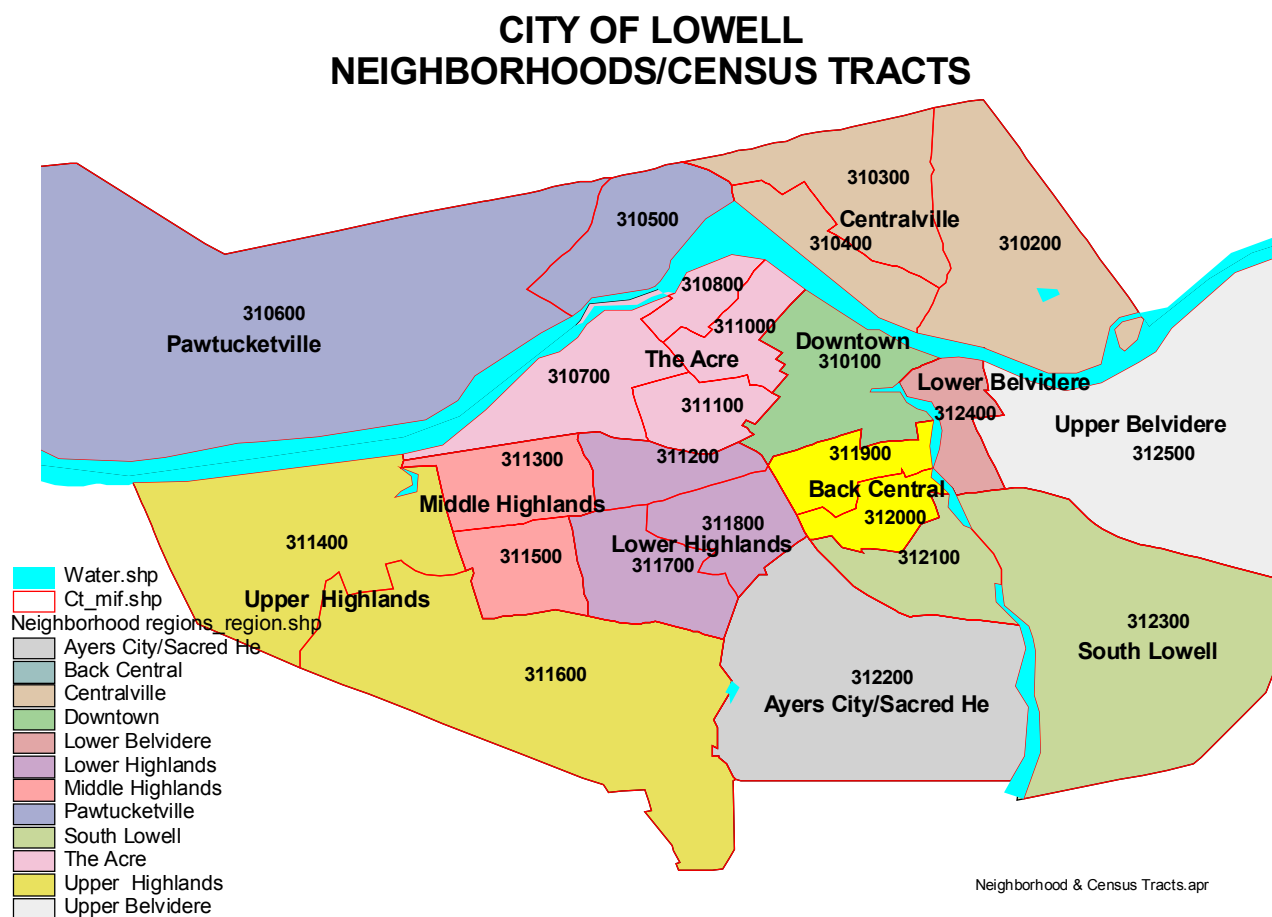
Once the impediments were identified, analyzed and evaluated, strategies and actions to address those barriers were developed and are outlined in the final section of this analysis.

- In 2001, the Lowell DPD developed and administered a Fair Housing Survey to assess the level of discrimination in the private sector. The 2005 Analysis will not include a survey as the Fair Housing Center of Greater Boston conducted comprehensive study of Real Estate Sales and Rental practices for the Lowell and Merrimack Valley in 2004. The study tested for discrimination against African American, Asian, Latinos, and families with children.
- 2003 Home Mortgage Disclosure Act (HMDA) data was analyzed to evaluate lending practices in the Lowell community. Lending practices based on sex, race national origin, and disability were analyzed. In addition, lending patterns in certain neighborhoods and for certain types of housing were also scrutinized.
- The statistics used in the AI are based on 2000 U.S. Census Information and interpreted through Tables and Maps. The maps of Lowell are divided into block groups rather than Census tracts when possible. There are 12 Neighborhoods that are defined by 24 Census Tracts and 87 Block Groups. The area and demographics for each of the three geographic boundaries are illustrated in the table below and illustrated in Map #1-1 Neighborhood and Census Tracts & Map #1-2– Census Tracts and Block Groups.

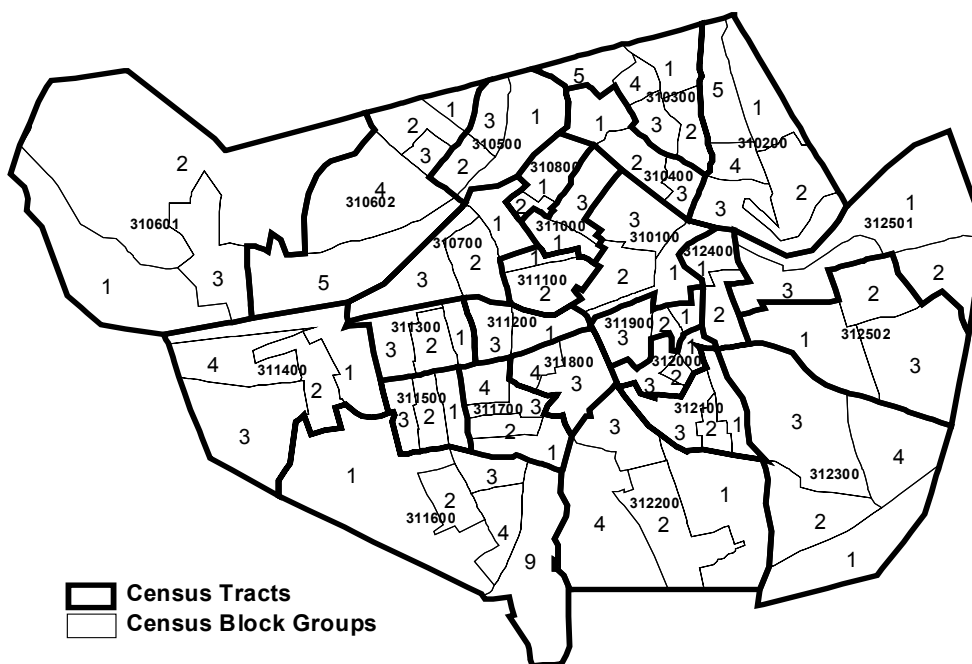


<b>Geographic Boundaries</b>	<b>Lowell Count</b>	<b>Range of Area in Acres</b>	<b>Population Range</b>
Neighborhood	12	104 - 2,029	2,405 – 15,799
Census Tract	24	64 - 1,824	2,286 – 10,908
Block Group	87	6 - 1050	513 - 8883

**Map 1-1 City of Lowell Neighborhoods and Census Tracts**

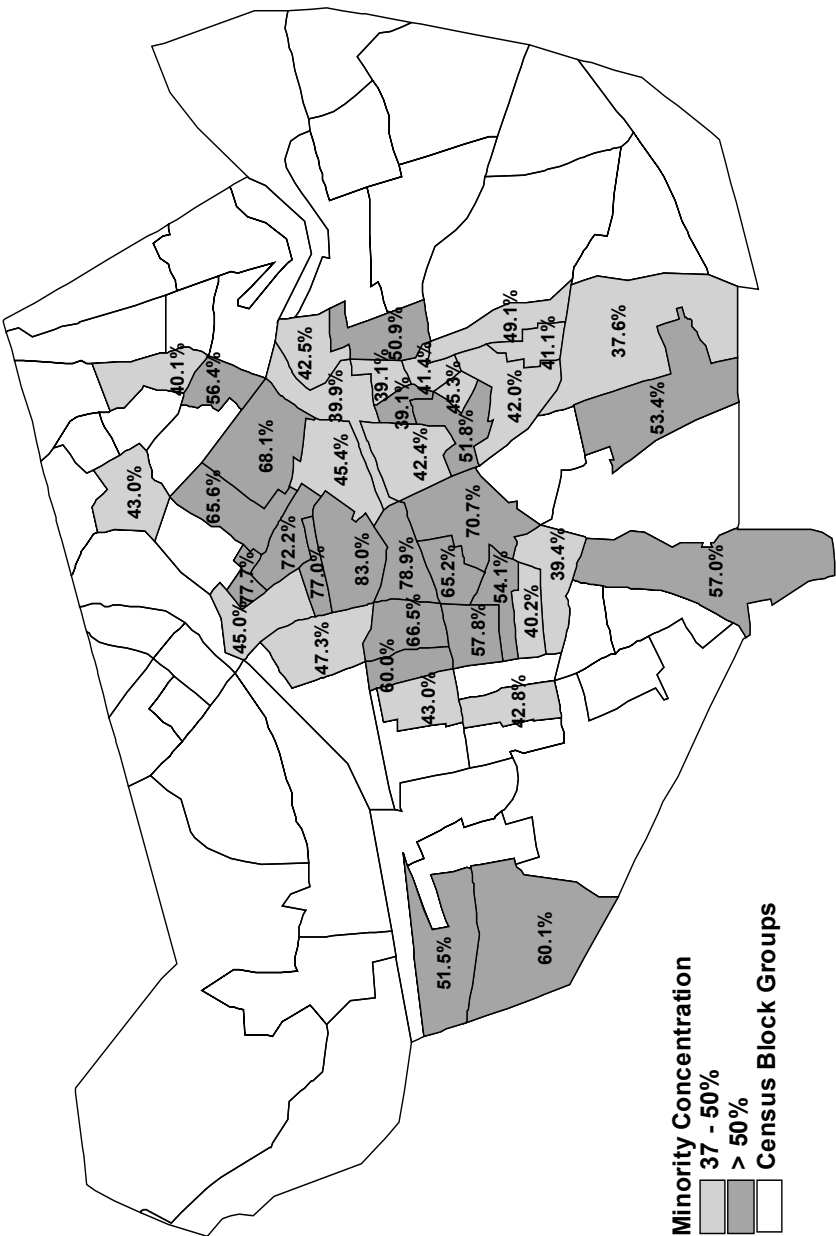


**Map 1-2 Lowell Census Tracts and Block Groups**

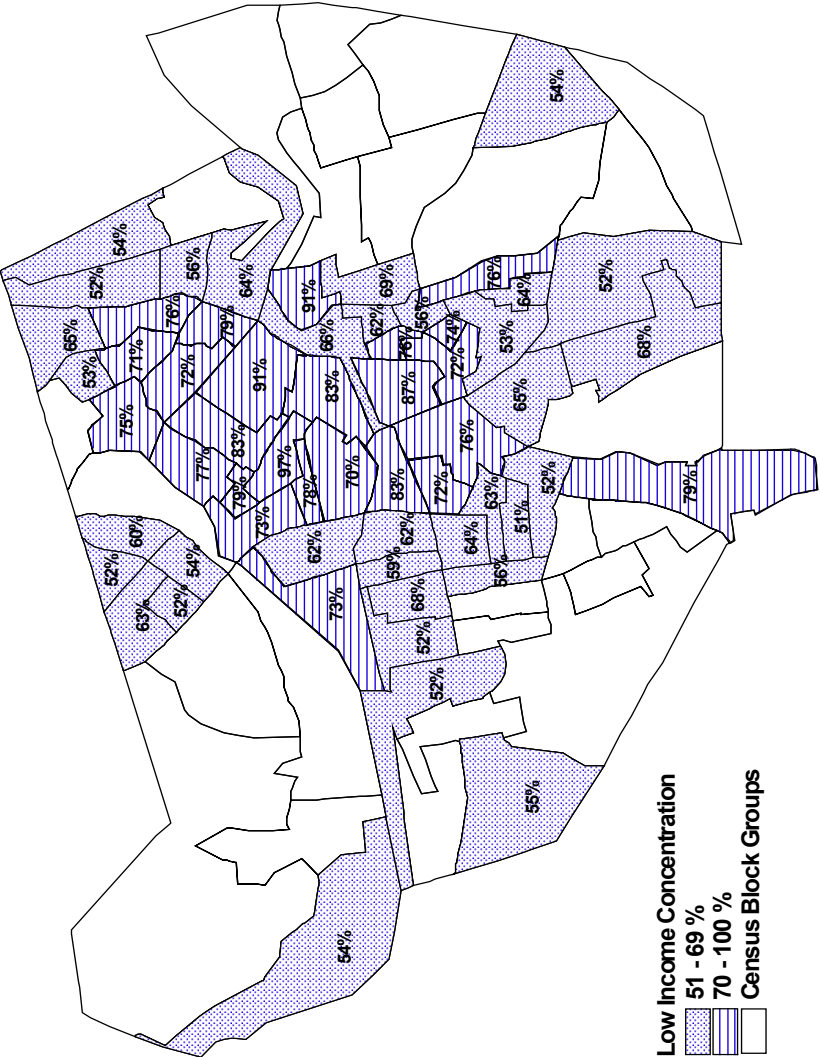


- The methodology of block group analysis was selected among the three geographic boundaries because block groups provide a more precise method of analyzing a neighborhood. Census tracts with relatively low minority and poverty concentration may surround block groups with high poverty or minority concentrations creating an average for the entire area that masks the distressed block group.
- The presentation of data will be shown on maps when appropriate for clarity. The majority of data in this document will be presented on a map that represents both the high minority block groups in the city as well as the low-income populations. Map 1-2 represents the City's census tracts and block groups. Map 1-3 shows the areas of Minority Concentration. The darker areas represent block groups with the highest minority concentration of 83 – 50%. The lighter area shows block groups with a minority concentration of 50.1 - 37.5%. The 37.5% break represents the average citywide minority population. Map 1-4 shows the block groups that contain Low to moderate-income populations. Block groups must have a low to moderate-income level of at least 51%. Block groups with low to moderate-income populations at least 97-72% will be represented with a cross- hatch pattern. Block groups with low to moderate levels of 71- 59% will be represented with a hatch mark. Map 1-5 illustrates Lowell block groups where concentrations of minority and low-income persons are located and overlap.

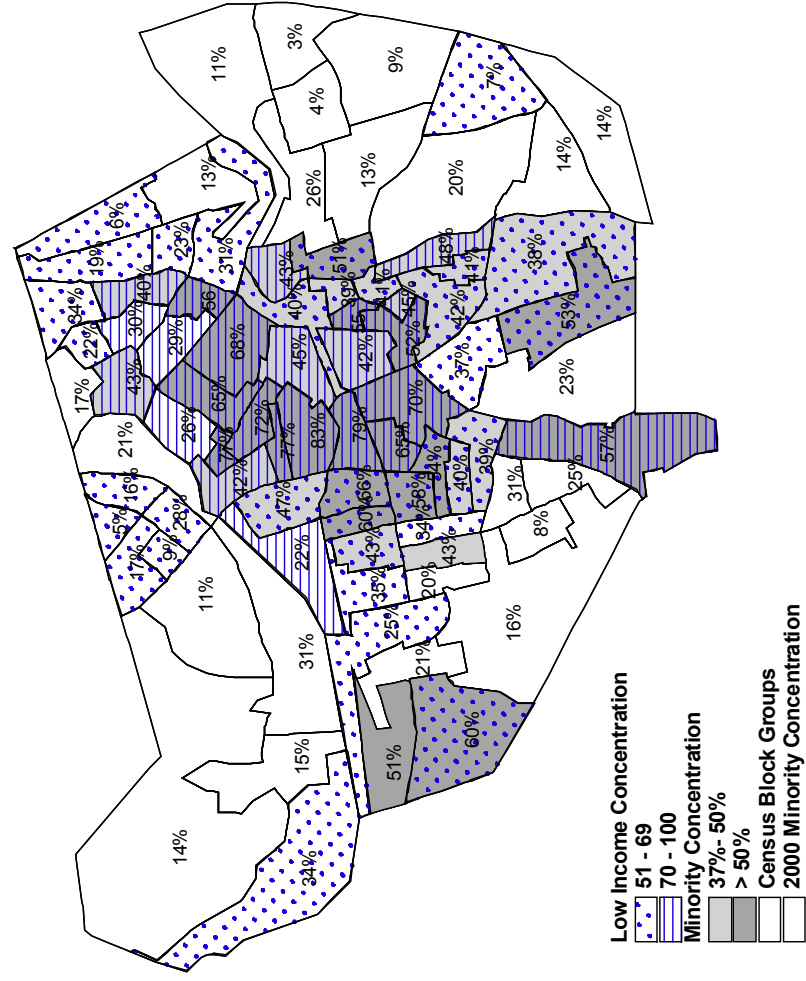
Map 1-3: Areas of Minority Concentration



Map 1-4: Areas of Low to Moderate Income Concentration



### Map 1-5: Areas of Minority and Low Income Concentration



**Table 1-1 Demographics of Block Groups Identified as Areas of Low-Income and Minority Concentration**

Low-Mod Concentration	Minority Concentration	TRACT	BG	Block Group ID	POPULATION	WHITE_NH	BLACK_NH	AMINDIAN_NH	ASIAN_NH	OTHER_NH	WHITE_HI	BLACK_HI	AMINDIAN_HI	ASIAN_HI	OTHER_HI	LOW_MOD%	MINORITY%	Neighborhood
Yes	Yes	311000	1	10.1	1565	435	50	11	238	28	290	114	8	8	383	97%	72%	Acre
Yes	Yes	310100	3	01.3	1441	459	173	5	180	61	236	59	1	0	267	91%	68%	Downtown
Yes	Yes	312400	1	24.1	642	369	30	4	26	35	73	9	0	0	96	91%	43%	L. Belvidere
Yes	Yes	311900	3	19.3	1193	687	52	4	124	52	71	16	2	0	185	87%	42%	Back Central
Yes	Yes	310100	2	01.2	1402	766	60	2	69	39	198	24	0	0	244	83%	45%	Downtown
Yes	Yes	311000	3	10.3	1189	409	64	2	151	74	168	24	4	0	293	83%	65%	Acre
Yes	Yes	311200	1	12.1	1743	368	65	6	899	50	194	25	0	1	135	83%	79%	L. Highlands
Yes	Yes	310400	3	04.3	1380	601	79	8	212	59	165	7	2	2	245	79%	56%	Centralville
Yes	Yes	310800	2	08.2	793	182	29	0	292	37	76	16	0	1	160	79%	77%	Acre
Yes	Yes	311600	9	16.9	959	412	60	1	207	16	103	6	0	0	154	79%	57%	U. Highlands
Yes	Yes	311100	1	11.1	980	219	29	2	369	58	93	17	4	0	189	78%	77%	Acre
Yes	Yes	310300	2	03.2	1623	978	99	1	95	114	153	3	0	0	189	76%	40%	Centralville
Yes	Yes	311800	3	18.3	1782	523	71	8	723	112	154	23	3	5	160	76%	70%	L. Highlands
Yes	Yes	311900	2	19.2	890	398	24	0	132	84	88	9	0	0	155	76%	55%	Back Central
Yes	Yes	312100	1	21.1	1216	619	28	2	284	77	64	1	8	0	133	76%	48%	S. Lowell
Yes	Yes	310400	1	04.1	1058	603	33	1	96	39	163	0	0	0	123	75%	43%	Centralville
Yes	Yes	312000	2	20.2	620	339	11	0	68	51	72	0	0	4	75	74%	45%	Back Central
Yes	Yes	310700	1	07.1	1855	1020	76	1	338	101	122	35	1	3	108	73%	42%	Acre
Yes	Yes	311800	4	18.4	1734	604	46	4	680	146	111	12	0	1	130	72%	65%	L. Highlands
Yes	Yes	312000	3	20.3	1570	757	57	0	351	116	101	0	2	0	186	72%	52%	Back Central
	Yes	311100	2	11.2	1306	222	71	1	595	47	193	9	2	0	166	70%	83%	Acre
	Yes	312400	2	24.2	1763	866	36	1	179	91	268	45	6	3	268	69%	51%	L. Belvidere
	Yes	311300	2	13.2	1555	887	73	2	351	68	108	23	3	1	39	68%	43%	M. Highlands
	Yes	312200	2	22.2	1067	497	38	7	199	39	98	13	0	1	175	68%	53%	Ayers City
	Yes	310100	1	01.1	1038	624	94	2	78	20	123	12	0	0	85	66%	40%	Downtown
	Yes	312200	3	22.3	887	560	47	0	93	44	65	0	0	1	77	65%	37%	Ayers City
	Yes	311700	4	17.4	1711	722	54	7	779	41	49	11	0	0	48	64%	58%	L. Highlands
	Yes	312100	2	21.2	964	568	15	0	172	92	45	18	0	0	54	64%	41%	S. Lowell
	Yes	311700	3	17.3	1190	546	29	0	411	38	56	7	0	1	102	63%	54%	L. Highlands
	Yes	311900	1	19.1	583	355	14	0	43	45	52	10	1	4	59	63%	39%	Back Central
	Yes	310700	2	07.2	1537	810	69	2	309	52	151	19	5	1	119	62%	47%	Acre
	Yes	311200	3	12.3	1631	547	32	3	786	73	69	6	1	5	109	62%	66%	L. Highlands
	Yes	311300	1	13.1	1209	483	49	3	498	61	54	17	0	1	43	59%	60%	M. Highlands
	Yes	312000	1	20.1	787	461	42	1	34	70	96	14	0	0	69	56%	41%	Back Central
	Yes	311400	3	14.3	2294	915	98	3	806	77	223	14	4	1	153	55%	60%	U. Highlands
	Yes	312100	3	21.3	932	541	34	1	181	73	41	0	0	1	60	53%	42%	S. Lowell
	Yes	311700	1	17.1	925	561	18	3	218	36	48	1	1	0	39	52%	39%	L. Highlands
	Yes	312200	1	22.1	1906	1190	65	2	338	36	156	3	0	0	116	52%	38%	Ayers City
	Yes	311700	2	17.2	1097	656	53	2	321	6	49	0	0	0	10	51%	40%	L. Highlands
	Yes	311500	2	15.2	1230	703	40	2	419	30	30	0	0	1	5	38%	43%	M. Highlands
	Yes	311400	4	14.4	1762	855	114	4	658	31	37	3	0	0	60	37%	51%	U. Highlands

Yes		310800	1	08.1	1664	1227	87	2	61	48	73	9	1	1	155	77%	26%	Acre
Yes		310700	3	07.3	1823	792	40	1	163	30	76	4	0	0	78	73%	22%	Acre
Yes		310400	2	04.2	1143	808	73	3	55	32	74	1	0	0	97	72%	29%	Centralville

## D. How Funded

Community Development Block Grant (CDBG) and HOME Investment Partnership administrative and planning funds were used.

## E. Conclusions

Impediments to fair housing choice are defined as:

“Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice.”

This section of the Analysis of the Impediments to Fair Housing will summarize impediments discussed in this document. It will also outline the actions and recommendations to reduce or prevent them.

The impediments listed below are summaries extracted from Section IV. They are not the full text and analysis of the information leading to the conclusions. Assumptions should not be made without referring to the full discussion for each impediment provided in Section IV.

The impediments are based on input from the community through public hearings, written comments received by the Lowell DPD, and analysis of existing information.

## 2005 Summary of Impediments and Recommendations to Fair Housing Choice

There were no new impediments to fair housing choice that were identified in 2005. This section includes 2001 Impediments that were not fully addressed or that need continued monitoring.

## 2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #1

### Impediment #1: Lack of Fair Housing Agency

The entire 2001 text of Impediment #1 and the Actions To Be Taken To Address This Impediment is included in Section 6.

The City of Lowell has made very good progress on addressing the lack of a fair housing entity or program since 2001. CDBG funds were allocated to partially subsidize a program to address the lack of a fair housing entity. The position was originally a city employee, who worked in the Department of Planning and Development. Within the last year, the fair housing function has been subcontracted to Community Teamwork Inc., (CTI) a large multi-service not-for-profit housing provider. Under CTI's umbrella, fair housing services should be much more accessible to protected classes. CTI has used the funds to hire a Fair Housing Advocate/Educator position that works within the Consumer Education Program. The program objectives with regards to fair

housing are to assist housing consumers to overcome discrimination that would prevent them from buying or renting housing. The activities include providing information and services that will heighten awareness among housing seekers and providers of their rights and obligations under existing fair housing laws. In addition, the Fair Housing coordinator will work in conjunction with the Housing Consumer Education Center and all existing local commissions and coalitions focusing on housing issues to help identify the housing resources available to the residents of Lowell.

It appears that CTI is in the process of developing the Fair Housing Program and intends to increase the services and visibility within the community by June 30, 2005. The program will include a "Lowell Fair Housing Coalition" composed of community residents, organizations and businesses that will focus on outreach and education. Train the Trainers" sessions and fair housing counseling will also be provided. The CTI development department will assist in grant writing to further fund Fair Housing work.

The concern is that the fair housing component of the Consumer Education Program with only one employee whose responsibilities also include assisting low-income families to find affordable housing and staffing boards and commissions may not have the time to develop a fair housing program that includes education, monitoring and enforcement, and seeking additional funds for these activities. It appears that over one-third to one-half of the hours for this position include general housing advocacy/ staffing non fair housing related boards and commissions? It is strongly recommended that current funds available for this position be leveraged to seek additional fair housing initiative funds so that a more solid Fair Housing Program with sufficient staffing and other resources can be established. In addition, is not clear whether this program can proceed without the current financial support of the City of Lowell.

#### **ADDITIONAL ACTIONS NEEDED TO ADDRESS IMPEDIMENT #1**

Impediment #1 will remain as an Impediment on the 2005 AI to insure that the progress to date is enhanced and that a fair housing program that includes education and counseling and monitoring and enforcement are established as planned. An end of the year evaluation of CTI's Fair Housing Program needs to be performed to assess the following:

- Have existing financial resources been renewed?
- Have additional funds been accessed?
- What additional fair housing activities have been added to the program?
- How many local agencies have been trained in fair housing?
- Is the staffing/activity level sufficient to implement new activities proposed for this program?
- Has the Fair Housing Coalition been developed? How often do they meet? What is their action plan?



## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #2**

### **Impediment #2: Concentration of subsidized housing in small geographic area.**

The entire 2001 text of Impediment #2 and the Actions To Be Taken To Address This Impediment is included in Section 6.

The City of Lowell has made a concerted effort to deconcentrate poverty clusters and minority concentrations in the lower per capita income census tracts in Central Lowell. Since 2000 in the Downtown census tracts, 396 new units have been built and occupied, 358 have received building permits and are under construction, and 299 more are currently working through the permitting process for a total of 1053. In 2000, according to the 2000 U.S. Census, there were 3260 total units in the same block groups. When the additional units are completed, there will be a 25% percent increase in the number of housing units in this area and they will be mostly market rate. The addition of these predominantly market rate units contribute significantly to the deconcentration of the existing conditions of poverty and minority concentrations. Map 4-5 illustrates where these units are located in relation to areas of minority and low to moderate concentrations. The majority of these units has been sold or will sell for the market rate.

The City undertook the development of a comprehensive master plan that addresses this impediment by presenting findings and recommendations that will assist in reducing the concentration of subsidized housing in Lowell. The Master Plan details a 20-year housing strategy based on feedback received through community-based planning efforts, such as focus groups and surveys, and an extensive data collection and research phase. Included in the Master plan are several recommendations concerning the decentralization of low income housing in the central block groups in Lowell in order to discourage the continuation of clusters of poverty including:

- Housing for very low and low-income families should be distributed in lower density, smaller structures.
- Adopt an inclusionary zoning provision that requires large-scale projects in census tracts with low minority concentrations to commit a small percentage of units to permanent affordable housing.
- Lowell and its neighboring towns should commit to expanding the supply of affordable housing at a range of income levels to stabilize the regional housing market.
- Support efforts to promote increased market-rate housing development in areas where the concentration of subsidized housing causes an imbalance or concentration of poverty.

The City of Lowell's new Zoning Ordinance, which includes all new amendments through December 2003, strongly encourages market rate residential development in the Downtown area. An increased emphasis on mixed income housing in the Downtown area will help to increase the overall housing stock in Lowell. In addition, the Planned Residential Development regulations allow for greater density when creating public or common open space.

The robust housing and condo market also played a major role in the successful development of market rate housing in downtown Lowell. If the economy slows down, concerns about previous disinvestment must be addressed in order that the success of the last five years does not come to a stop or reverse. The establishment of a solid middle class in these areas with a safe and active

downtown will hopefully stabilized this area for the long term. The majority of these units has been sold or will sell for the market rate.

## **ADDITIONAL ACTIONS NEEDED TO ADDRESS IMPEDIMENT #2**

The City has made substantial effort in addressing Impediment #2: Concentration of subsidized housing in small geographic area especially the deconcentration of subsidized housing in the Downtown census tracts. The second part of the Impediment addressed the development of low income housing in the census tracts with lower minority concentrations located primarily on the outskirts of the City. The Master Plan outlines recommendations to achieve this goal. The actions taken to achieve the recommendations outlined in the Master Plan above need to be monitored and reported on in the Consolidated Action Plan and Evaluation Report (CAPER).

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #3**

### **Impediment #3: Possible Lack of geographic options for minorities being relocated from the Julian D. Steele Housing Development**

The entire 2001 text of Impediment #3 and the Actions To Be Taken To Address This Impediment is included in Section 6.

The Lowell Housing Authority has reported that all Julian Steele (JDS) residents were relocated to housing of their choice without incident. The LHA gave Julian Steele residents several options, and each household freely selected another location in Lowell or moved out of the City. Those that relocated to areas of minority concentration did so by choice. All of the actions from the 2001 AI have been completed.

JDS residents were given a choice to relocate to other LHA sites or receive a section 8 Certificate. This choice has provided residents of the former JDS public housing development to move to the location of their choice as long as the rent fell within the yearly Fair Market Rents as determined by HUD. The final relocation choices correspond to the original survey preferences of 180 residents, conducted by Residents First Development Corporation, to determine housing preferences. Nineteen residents expressed a desire to move back the reinvented JDS site, known as Concord Meadows. When the Concord Meadows development at the former JDS site is completed, all relocated residents have an LHA preference to move back. Presently, residents also have the option of moving to replication units described in Section IV as they continue to be completed if they are unhappy with their current homes.

While many of the tenants have moved to locations with higher minority concentrations than the Julian D. Steele public housing development, it should be noted that minority populations have increased all over the city.

Impediment #3, from the 2001 Analysis to Impediment to Fair Housing Choice, was included to ensure that all residents would be relocated based on a choice of options. As there were no involuntary relocations of residents, housing choices were upheld, and all of the actions from the 2001 AI have been completed, Impediment #3 from 2001 will be removed.

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #4**

**Impediment #4: Minorities on the LHA Waiting List**

The entire 2001 text of Impediment #4 and the Actions To Be Taken To Address This Impediment is included in Section 6.

The issue of very long public housing and rental voucher waiting lists continues to be an issue, not just Lowell but for cities nationwide, especially in Massachusetts which has one of the highest cost of living rates in the country. This lack of affordable housing options is well documented in the 2005 City of Lowell Five Year Consolidated Plan, as well as strategies that Lowell is undertaking to ameliorate the barriers to affordable housing.

The Lowell Housing Authority waiting list for public housing has increased from 2,405 in 2001 to 8,005 today. This represents a 43% increase. The wait list for Section 8 Vouchers has decreased and it is likely that the Section 8 waiting list will open soon. Minorities make up a majority of the families on the waiting list. Currently, minorities make up 63% of the list. The increase in minorities from 2001 to 2005 has only increased by 3%. The percent of minorities on the list has remained stable.

The relocation of 180 JDS tenants was completed by 2002. Additional vouchers were obtained to alleviate the decommissioning of the JDS units. The JDS relocation, therefore, has no effect on the waiting list at this point. The increase is due to a nationwide freeze on rental vouchers and a severe shortage of affordable housing options throughout the state.

Impediment #4, from the 2001 Analysis to Impediment to Fair Housing Choice, was included as a temporary impediment and has been resolved now that all JDS residents have been relocated since 2002. Impediment #4 from 2001 will be removed.

**Table 6-1: Waiting List Increases and Minority percents**

	2001		2004		2005	
	Total	Minority %	Total	Minority %	Total	Minority %
Public Housing	2,405	60	5,905	63%	8,005	63%
Section 8	921	Unknown	332	58%	213	66%

**2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #5****Impediment #5: Shortage of 3&4 Bedroom Units for families with children**

The entire 2001 text of Impediment #5 and the Actions To Be Taken To Address This Impediment is included in Section 6.

The city has recently created a new Institutional (INST) zoning district that encourages the construction of off-campus higher density student housing in locations near the campus thereby encouraging the private market to reduce the student rental housing pressures on the surrounding neighborhoods. The INST provides for much higher permitted residential densities and lower parking requirements for student housing than were available under the zoning districts near the campus prior to December 2004. Several developers have expressed interest in creating student housing in this district. In addition, the University of Massachusetts/Lowell contributes to

lessening the pressures of their students on the housing market in the neighborhoods by keeping on campus housing costs below market levels which encourages students to stay on campus when possible.

#### **ADDITIONAL ACTIONS NEEDED TO ADDRESS IMPEDIMENT #5**

Although larger unit housing has been built by affordable housing developers, there are no policies or incentives proposed to encourage the building of larger affordable homes. Impediment #5 will remain as an Impediment on the 2005 AI until the new zoning incentives prove to be effective in attracting the developments it intended in the Institutional (INST) zoning district. It is also recommended that the city develop a policy for use of the HOME funds to insure that a proportionate number of larger housing units are developed when distributing funds.

#### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #6**

##### **Impediment #6: Lack of racial diversity on City boards and Commissions**

The entire 2001 text of Impediment #5 and the Actions To Be Taken To Address This Impediment is included in Section 6

The City has made no progress on diversifying its board membership. The Impediment will therefore remain on the list of 2005 Impediments.

#### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #7**

##### **Impediment #7: Discrimination in rental real estate practices because of lead paint issues.**

The entire 2001 text of Impediment #7 and the Actions To Be Taken To Address This Impediment is included in Section 6

The City of Lowell has made very good progress in deleading the older housing stock in the City. Unfortunately, 79% of Lowell's housing stock or almost 31,000 units was built before 1950 and Lowell has one of the highest rate of lead poisoning in the state. Of concern is the loss of funding from the state in the last competitive round of funding for lead abatement. Impediment #7 will remain on the 2005 AI until future funds are secured to continue the program at current levels.

#### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS RECOMMENDATION #1**

There has been no progress on incorporating the concept of visitability into and policy or building codes. recommendation #1 will remain on the 2005 AI.

##### **Recommendation #1: Lack of policy regarding accessibility/visitability**

The entire 2001 text of Recommendation#1 and the Actions To Be Taken To Address This Recommendation is included in Section 6.

#### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS RECOMMENDATION #3**

##### **Recommendation #3: Monitor the LHA Senior Designation Plan**

The entire 2001 text of Recommendation #3 and the Actions To Be Taken To Address This Impediment is included in Section 6.

*To be developed in final draft.*

## II. JURISDICTIONAL BACKGROUND INFORMATION

Most of the statistics quoted are based on the 2000 US Census. When reliable updated information was available it is noted.

### A. Demographic Data

Lowell, Massachusetts is the fourth largest city in the Commonwealth with a population of 105,167 according to 2000 U.S. Census Bureau, an increase of approximately 1.7 percent since 1990. In 2000, the overall minority population increased by 66 % from 22.9% in 1990 to 37.5 in 2000. The Asian population increased 51 % from 11,419 in 1990 to 17,302 in 2000, giving Lowell the highest number of Asians in the State of Massachusetts. The Hispanic population increased by 46% to 14,374.

The table below shows that the minority population of Lowell illustrates these statistics.

**Table 2-1: Comparison of Minority Population Changes for City of Lowell for 1990 – 2000**

YEAR	POP	White	Black	AIAN*	Asian	NHPI**	Other_Race	Two or More Races	Hispanic	Minority
2000	105167	65760	3644	170	17302	12	474	3071	14734	39407
		62.5%	3.5%	0.2%	16.5%	0.0%	0.5%	2.9%	14.0%	37.5%
1990	103458	79766	1839	92	11419	N/A	253	N/A	10089	23692
		77.1%	1.8%	0.1%	11.0%		0.2%		9.8%	22.9%
CHANGE	1.7%	-17.6%	98.2%	84.8%	51.5%				46.0%	66.3%

Min90-00 for City.XLS

\* AIAN – American Indian/Alaskan Native

\*\* NHPI – Native Hawaiian/ Pacific Islander

### Areas of Minority Concentration

Map 2-1 – 1990 Minority Concentration by Block Group and Map 2-2 – 2000 Minority Concentration by Block Group illustrate minority concentrations using 1990 and 2000 block group data. Map 2-3 and Table 2-2 shows the increase for each census tract.

Minority concentration, in all but one census tract, in the City has increased while the white population has decreased. The most dramatic percentages increases have occurred in the perimeter census tracts versus the central city. The minority concentrations of these perimeter census tracts are still relatively low when compared to the minority concentrations of the central areas. The largest percent increases in the white population have occurred in the central city census tracts with the highest minority concentrations.

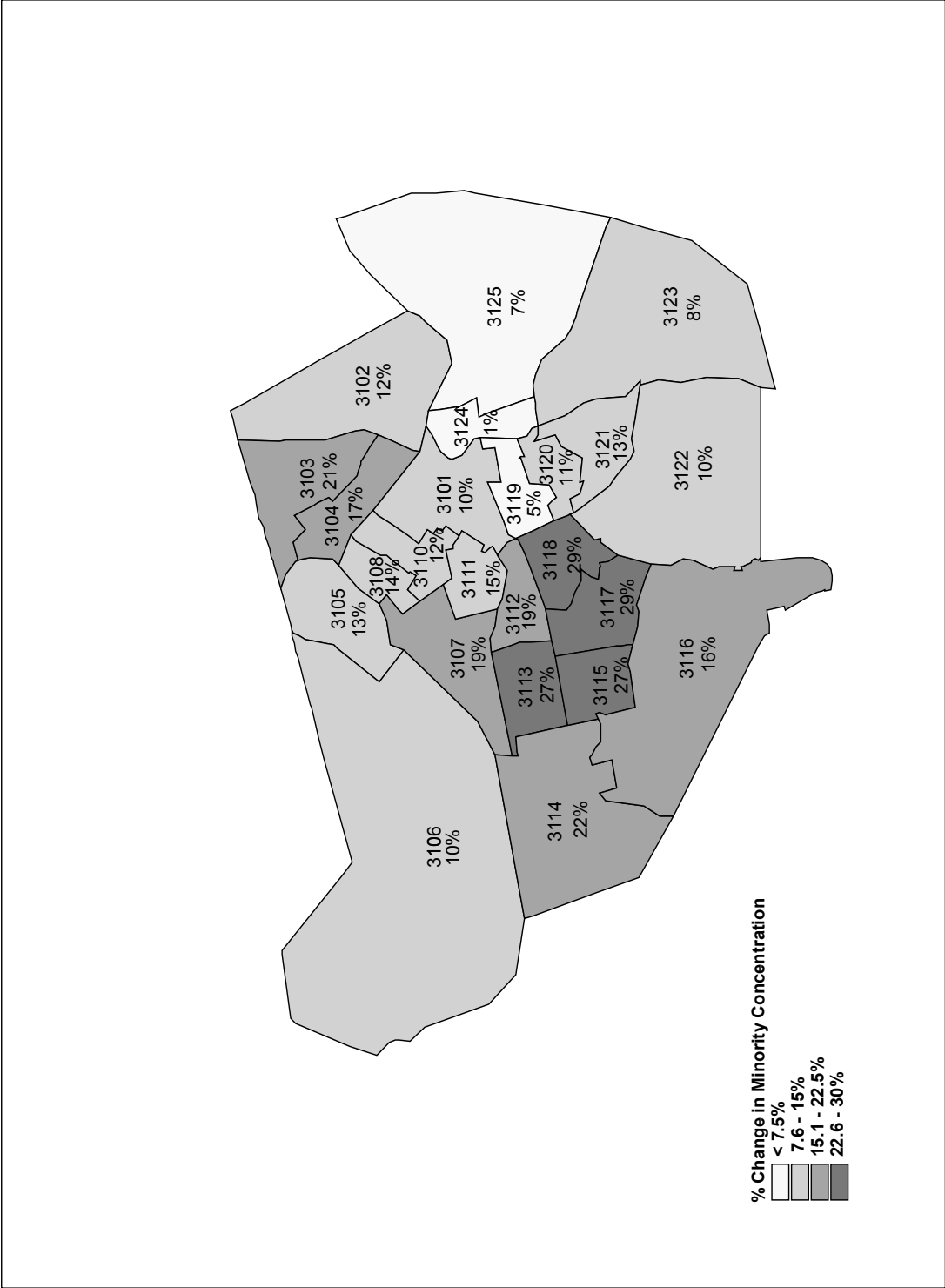


Map 2-2: 2000 Minority Concentration by Block Group





Map 2-3: Percent Change in Minority Concentration by Census Tract (1990-2000)



**Table 2-2: 1990-2000 Census Data for Minority Population**

Census Tract	1990 Population	1990 Minority Count	1990 Minority Percent	2000 Population	2000 Minority Count	1990 White Pop.	2000 White Pop.	1990 White per- cent	2000 Minority Percent	2000 White per- cent	Change in population 1990-2000	Percent Change in Population	Change in Minority Count	Change in white pop.	1990-2000 Percent Change Minority Population	1990-2000 Percent Change White Population
3101	3,340	1401	42.0%	3,881	2032	1939	1849	58%	52%	48%	541	16.2%	631	-90	45.0%	-4.6%
3102	6,137	447	7.0%	6,070	1195	5690	4875	93%	20%	80%	-67	-1.1%	748	-815	167.3%	-14.3%
3103	5,695	507	9.0%	6,157	1864	5188	4293	91%	30%	70%	462	8.1%	1357	-895	267.7%	-17.3%
3104	3,540	967	27.0%	3,581	1569	2573	2012	73%	44%	56%	41	1.2%	602	-561	62.3%	-21.8%
3105	3396	310	9.0%	3353	757	3086	2596	91%	23%	77%	-43	-1.3%	447	-490	144.2%	-15.9%
3106	10,450	981	9.0%	11,002	2,154	9469	8848	91%	20%	80%	552	5.3%	1173	-621	119.6%	-6.6%
3107	4,207	1014	24.0%	4,575	1953	3193	2622	76%	43%	57%	368	8.7%	939	-571	92.6%	-17.9%
3108	2679	763	28.0%	2457	1048	1916	1409	72%	43%	57%	-222	-8.3%	285	-507	37.4%	-26.5%
3110	2927	1693	58.0%	2754	1910	1234	844	42%	69%	31%	-173	-5.9%	217	-390	12.8%	-31.6%
3111	2991	1975	66.0%	2286	1845	1016	441	34%	81%	19%	-705	-23.6%	-130	-575	-6.6%	-56.6%
3112	3,195	1735	54.0%	3,374	2459	1460	915	46%	73%	27%	179	5.6%	724	-545	41.7%	-37.3%
3113	3,519	682	19.0%	3,954	1816	2837	2138	81%	46%	54%	435	12.4%	1134	-699	166.3%	-24.6%
3114	5,394	1306	24.0%	5,857	2702	4088	3155	76%	46%	54%	463	8.6%	1396	-933	106.9%	-22.8%
3115	2,684	192	7.0%	2,908	979	2492	1929	93%	34%	66%	224	8.3%	787	-563	409.9%	-22.6%
3116	4,911	555	11.0%	5,099	1388	4356	3711	89%	27%	73%	188	3.8%	833	-645	150.1%	-14.8%
3117	4,375	889	20.0%	4,923	2438	3486	2485	80%	50%	50%	548	12.5%	1549	-1001	174.2%	-28.7%
3118	3,324	1312	39.0%	3,516	2389	2012	1127	61%	68%	32%	192	5.8%	1077	-885	82.1%	-44.0%
3119	2885	1177	41.0%	2666	1226	1708	1440	59%	46%	54%	-219	-7.6%	49	-268	4.2%	-15.7%
3120	3392	1230	36.0%	2977	1420	2162	1557	64%	48%	52%	-415	-12.2%	190	-605	15.4%	-28.0%
3121	3221	1027	32.0%	3112	1384	2194	1728	68%	44%	56%	-109	-3.4%	357	-466	34.8%	-21.2%
3122	4776	1333	28.0%	4741	1812	3443	2929	72%	38%	62%	-35	-0.7%	479	-514	35.9%	-14.9%
3123	5,003	370	7.0%	5,023	748	4633	4275	93%	15%	85%	20	0.4%	378	-358	102.2%	-7.7%
3124	2598	1243	48.0%	2405	1170	1355	1235	52%	49%	51%	-193	-7.4%	-73	-120	-5.9%	-8.9%
3125	8819	583	7.0%	8496	1149	8236	7347	93%	14%	86%	-323	-3.7%	566	-889	97.1%	-10.8%
Totals	103,458	23,692		105,167	39,407	79,766	65,760				1,709	0	15,715	-14,006		
		22.90%			37.47%						1.65%		66.33%			

## B. Income Data

The Lowell Median Household Income is approximately \$39,192, compared to \$50,955 for the state of Massachusetts. With a per capita Income of \$17,557 17 % of the population live below the poverty level compared to the statewide percentage of 10 percent.

<i>Income Distribution</i>	<i># of Households</i>	<i>% of Households</i>
Less than \$10,000	4,858	12.8%
\$10,000 –14,999	2,733	7.2%
\$15,000 -\$24,999	4,572	12%
\$25,000 - \$34,999	4,900	12.9%
\$35,000 - \$49,999	6,519	17.2%
\$50,000 - \$74,999	7,743	20.4%
\$75,000 - \$99,000	3,587	9.4%
\$100,000 - \$149,999	2,259	5.9%
\$150,000 - \$199,999	512	1.3%
\$200,000 and above	309	0.8%

**Table 2-3: Income by Census Tracts**

<b>Tract #</b>	<b>Total Population</b>	<b>Per Capita Income</b>	<b>Total Households</b>	<b>Median Income per Household</b>	<b>Total Families</b>	<b>Median Income per Family</b>	<b># Below Poverty Level</b>	<b>% Below Poverty</b>	<b>Minority Population</b>
3101.00	3,881	\$15,424	1,925	\$18,468	750	\$21,125	1,283	33.1%	52%
3102.00	6,070	\$17,960	2,205	\$45,343	1,481	\$49,969	658	11.2%	20%
3103.00	6,157	\$16,969	2,344	\$40,391	1,518	\$42,302	997	16.3%	30%
3104.00	3,581	\$12,281	1,156	\$28,456	825	\$28,854	902	25.4%	44%
3105.00	3,353	\$16,668	1,184	\$40,965	745	\$50,705	439	14.0%	23%
3106.01	5,392	\$21,127	1,923	\$50,734	1,282	\$67,705	289	5.8%	20%
3106.02	5,610	\$20,897	2,226	\$45,136	1,455	\$52,795	236	4.3%	
3107.00	4,575	\$16,273	1,512	\$32,500	795	\$34,107	877	21.6%	43%
3108.00	2,457	\$7,137	348	\$29,079	276	\$28,696	385	35.8%	43%
3110.00	2,754	\$7,065	1,157	\$9,895	522	\$14,390	1,377	54.6%	69%
3111.00	2,286	\$9,970	633	\$33,831	506	\$27,237	809	32.9%	81%
3112.00	3,374	\$12,352	1,079	\$29,420	674	\$33,043	986	29.2%	73%
3113.00	3,954	\$16,075	1,326	\$38,833	859	\$46,350	459	11.9%	46%
3114.00	5,857	\$23,379	2,331	\$46,929	1,449	\$50,160	557	9.7%	46%
3115.00	2,908	\$20,494	1,039	\$51,458	687	\$58,438	199	6.9%	34%
3116.00	5,099	\$21,157	1,872	\$46,111	1,357	\$52,146	694	13.6%	27%
3117.00	4,923	\$15,315	1,559	\$44,306	1,126	\$47,025	736	15.0%	50%
3118.00	3,516	\$11,546	973	\$36,772	778	\$37,959	595	17.1%	68%
3119.00	2,666	\$13,169	1,132	\$18,929	524	\$29,423	922	34.8%	46%
3120.00	2,977	\$12,914	975	\$28,528	726	\$33,839	939	31.7%	48%
3121.00	3,112	\$14,740	1,098	\$35,583	716	\$39,828	527	17.1%	44%
3122.00	4,741	\$18,207	1,755	\$43,144	1,162	\$42,845	775	16.3%	38%
3123.00	5,023	\$19,891	1,982	\$45,098	1,222	\$51,786	368	7.5%	15%
3124.00	2,405	\$12,868	946	\$25,417	562	\$32,339	548	22.7%	49%
3125.01	4,497	\$26,796	1,670	\$61,429	1,185	\$75,149	310	6.9%	14%
3125.02	3,999	\$31,308	1,642	\$58,819	1,065	\$72,419	199	5.0%	
<b>Total</b>	<b>105,167</b>	<b>\$17,557</b>	<b>37,992</b>	<b>\$39,192</b>	<b>24,247</b>	<b>\$45,901</b>	<b>17,066</b>	<b>16.8%</b>	

### C. Employment Data

According to the Massachusetts Division of Employment and Training, Lowell's unemployment rate has increased steadily from 3.3 percent in 2000 to 7.4 percent in 2004, reflecting statewide economic trends. Of the larger municipalities, Lowell's unemployment rate in 2000 ranks sixth lowest out of the 13 largest cities in Massachusetts.

**Table 2-4: Lowell Unemployment Rates – 1990-2004**

<b>Year</b>	<b>Laborforce</b>	<b>Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>	<b>Statewide Rate</b>
1990	52,137	47,846	4,291	8.2%	6.0%
1991	50,575	44,343	6,232	12.3%	9.1%
1992	49,386	43,164	6,222	12.6%	8.6%
1993	47,401	42,620	4,781	10.1%	6.9%
1994	45,771	41,956	3,815	8.3%	6.0%
1995	47,245	44,083	3,162	6.7%	5.4%
1996	47,390	45,093	2,297	4.8%	4.3%
1997	49,602	47,068	2,534	5.1%	4.0%
1998	49,904	47,691	2,213	4.4%	3.3%
1999	50,782	48,626	2,156	4.2%	3.2%
2000	51,078	49,403	1,675	3.3%	2.6%
2001	55,326	52,183	3,143	5.7%	3.7%
2002	56,171	51,593	4,578	8.2%	5.3%
2003	54,257	49,605	4,652	8.6%	5.8%
2004	54,372	50,369	4,003	7.4%	5.1%

Source: Commonwealth of Massachusetts, Division of Employment and Training (Local Area Unemployment Statistics)

Note: Employment within this data series is measured by place of residence

**Table 2-5: 2004 Unemployment rates for Large Massachusetts Cities**

City by size	2004 Unemployment rate	City by size	2004 Unemployment rate
Boston	5.2	Lynn	6.7
Brockton	6.9	Newton	2.7
Cambridge	2.8	New Bedford	9.4
Fall River	8.7	Quincy	5.2
Massachusetts	5.1	Somerville	3.8
Lawrence	13.6	Springfield	8
Lowell	7.4	Worcester	6.3

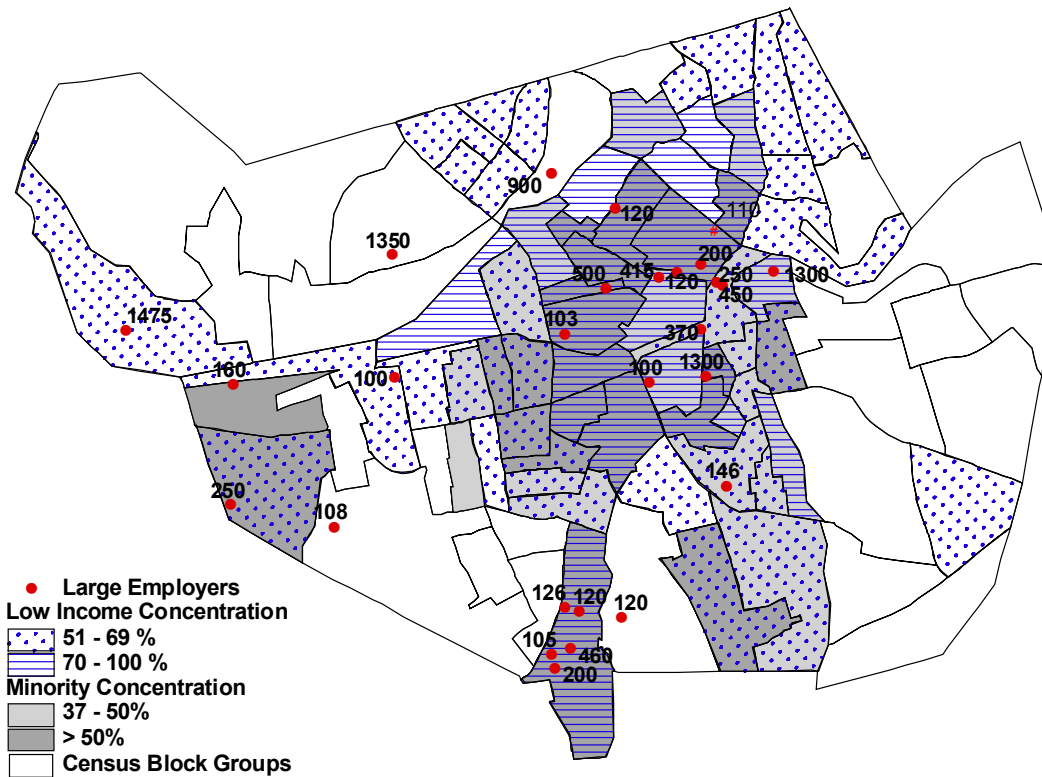
**EMPLOYMENT CENTERS** --- The City of Lowell caters to a multiply skilled workforce with a range of job sectors including high tech, academic, medical, and industrial. The major employers include:

M/A COM, Inc.	Electronics	1011 Pawtucket Blv/ 100 Chelmsford St	1,475
Lowell General Hospital	Hospital	295 Varnum Ave	1,350
Saints Memorial Hospital	Hospital	1 Hospital Drive	1,300
Commonwealth of Massachusetts	Superior Court	360 Gorham St	1,300
University of Massachusetts/ Lowell	State University	1 University Ave	900
Verizon	Communications	900 Chelmsford St	460
Demoulas Supermarkets	Retail Groceries	331 Fletcher St	500
Middlesex Community College	Education	33 Kearney Square	450
Community Teamwork Inc.	Human Services	167 Dutton St	415
Commonwealth of Massachusetts	Juvenile Court	89 Appleton St	370
U.S. Filters/ Uonpure Inc.	Filter Manufacturing	10 Technology Drive	250
Lowell Sun Publishing	Daily Newspaper	15 Kearney Square	250
Chase Access Services	Financial Services	900 Chelmsford St	200
Lowell Five Cents Bank	Financial Services	34 John St	200
Bradford Industries	Textile	1857 Middlesex St	160
Dutton Yarn	Textile	38 Prince Ave	146
Eltech Electronics	Electronics	790 Chelmsford St	126
Enterprise Bank	Financial Services	222 Merrimack St	120
Fred C Church	Insurance	41 Welman St	120
Albert Notini & Sons	Wholesale Distribution	225 Aiken St	120
Interstate Container Co.	Corrugated Containers	240 Industrial Ave East	120
TRS Environmental	Environmental	Foot Of John St	110
DS Graphics	Printing & Publishing	120 Stedman St	108
Eastman Kodak Co.	Photographic Products	900 Chelmsford St	105
Keyspan	Utility	775 Dutton St	103
Ideal Tape Company	Pressure- sensitive Tape	1400 Middlesex St	100
Lowell Lolaw Transit	Transportation	145 Thorndike St	100
<b>TOTAL</b>			<b>10,958</b>

As illustrated in Map 2-4, 77% of the jobs of the largest employers in Lowell are located in many of the block groups with the highest concentrations of minorities and low income

populations. Ancillary service employers in these areas add to the total number of jobs offered for a wide range of skilled and unskilled employees.

**Map 2-4: Location of Lowell's Largest Employers**



#### **D. Housing Profile**

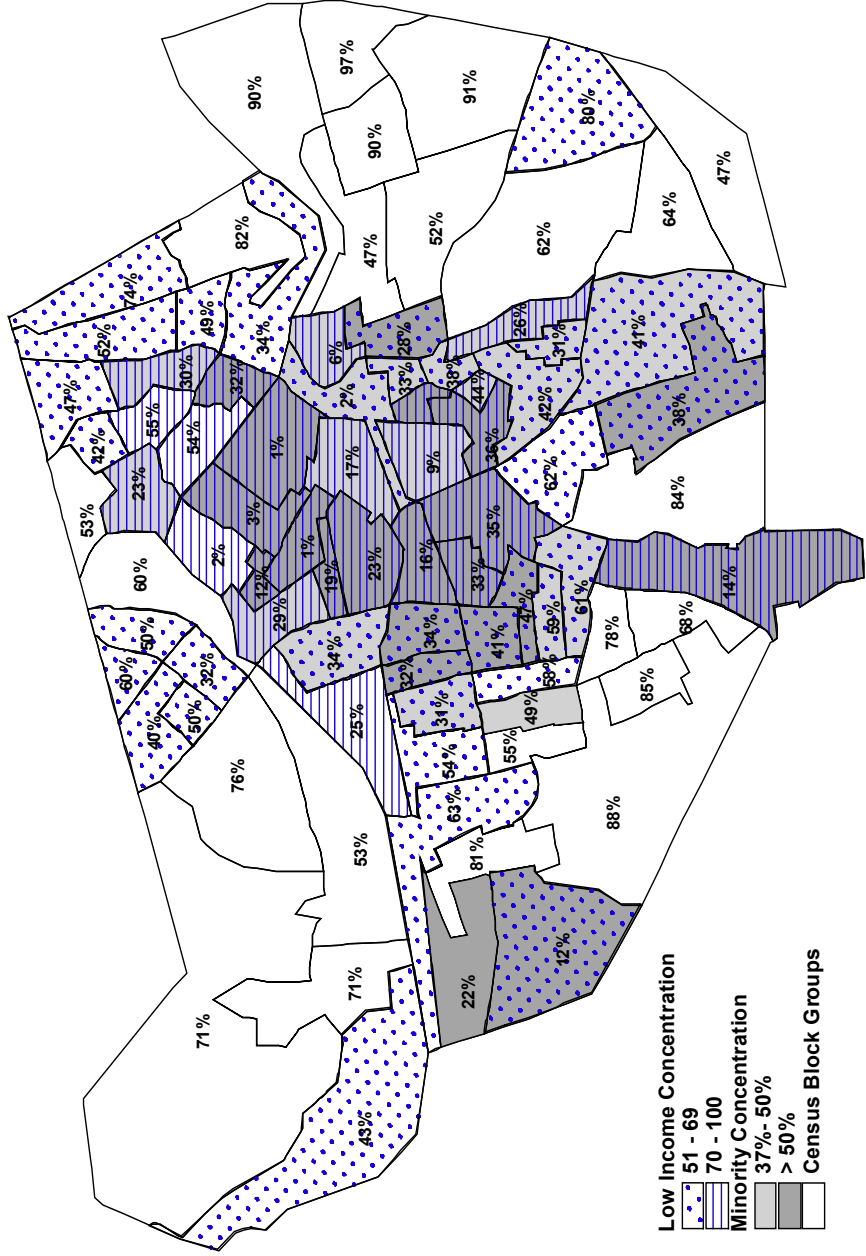
Lowell has a total of 39,468 housing units, 37,887 of which are occupied. 43 percent are owner-occupied and 57 percent are renter-occupied. The majority of owner occupied housing occurs in the higher income, low minority Census Tracts. The majority of the rental occupied homes are found in the lower income high minority concentrated Census Tracts. The average sales price to purchase a home from for 2004 was \$248,900 for a single families and \$165,000 for a condo, as reported by Banker and Tradesman. This was a 14 percent increase from the same period in 2003 from \$218,000.

Year	Months	1-Family	Condo	All Sales	% Increase
2004	Jan-Dec	248,900	165,000	236,000	10%
2003	Jan-Dec	218,000	144,900	214,950	20%
2002	Jan-Dec	195,000	129,000	179,000	19%
2001	Jan-Dec	170,000	104,900	150,000	20%
2000	Jan-Dec	144,700	85,000	125,000	

Map 2-5 illustrates the percentage of homeownership by block group with relation to areas of low-income concentration areas of minority concentration. All block groups that fall into the lowest percentage of homeownership are also areas of low-income concentration. Areas of minority concentration also coincide with low homeownership rates but not to the same extent as areas of low income. The factors common to the block groups with low homeownership rate are:

- Lack of single family (1-4 units) structures
- Concentration of multi-unit (5-150 units) structures
- Concentration of subsidized housing
- High concentration of business, industrial and multi-family zoning districts

Map 2-5: Percent Owner Occupancy by Block Group with Areas of Low-Income





The cost of housing, reflecting similar trends in the State, dramatically increased throughout the last five years. The National Low-Income Housing Coalition recently released a study that identified Massachusetts as having the second least affordable rental housing in the nation. The average cost of a two-bedroom home in Lowell increased from \$855 in 2001 to \$1102 in 2005 as reported on the HUD web site. These costs have increased by approximately 29% percent since 2001. For the Housing Choice Voucher Program, HUD allows the Lowell Housing Authority to set rents at between 90% and 110% of the Fair Market Rents. As the rental market has softened slightly with in the last year, recipients are able to find apartments within the HUD Fair Market Rate structures. Table 2-6 below shows rental rates reported by the Lowell Housing Authority as of March 2005. Figures do not include utilities except as noted.

**Table 2-6 - Rental Rates**

<b>Rental Rates</b>				
	<b>Fair Market Rent</b>			
<b>Unit size</b>	<b>2001</b>	<b>2005</b>	<b>Percent Change</b>	<b>Payment Standard*</b>
1 Bed -	\$708	\$856	21%	\$941
2 Bed-	\$855	\$1102	29%	\$1102
3 Bed	\$1071	\$1316	23%	\$1447
4 Bed	\$1198	\$1437	20%	\$1580
5 Bed	\$1377	\$1652	20%	1817

According to the Department of Housing and Community Development's Subsidized Housing Inventory, 13.1 % or 5,174 units of the City's total housing stock of 39,381 units are subsidized to assist low-income residents. Lowell is one of only 24 communities that exceeds the State's goal of 10% affordability under Chapter 40B. In addition, the Lowell Housing Authority and Community Teamwork Inc., a regional affordable housing agency, manage 1909 Section 8 Rental Vouchers in the City of Lowell. When these vouchers are factored into the subsidized housing units, the total percentage of affordable housing in Lowell increases to 18%. This represents 31% of the total rental units in the City.

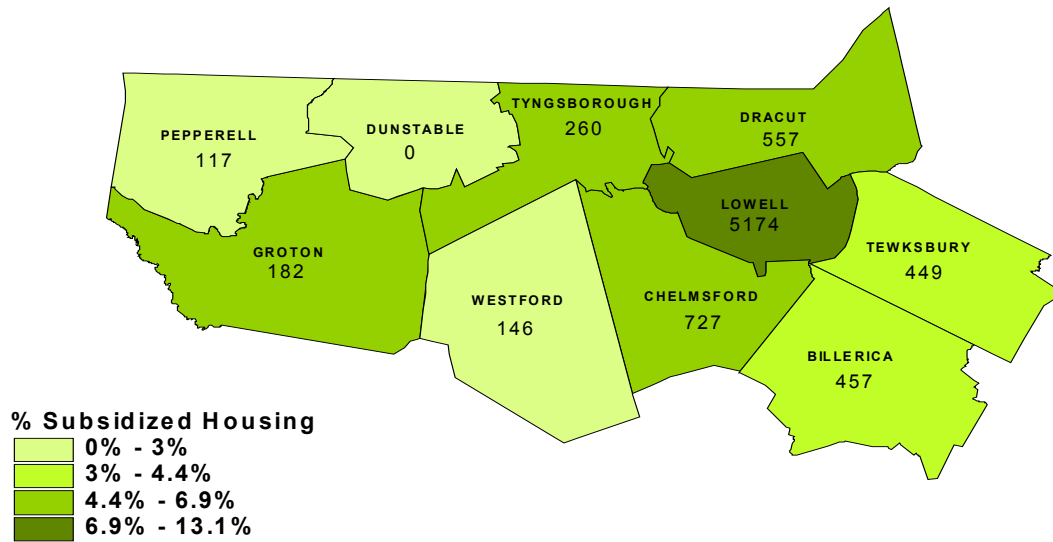
Since 2001, other communities in the Lowell PMSA have made good progress in creating subsidized units. Lowell developed 44 units since 2001. Dracut developed 274 units, Chelmsford developed 20 units, and Billerica developed 245 units as seen in Table 2-5 and Map 2-6: Subsidized Housing in Lowell MSA region. It should be noted that under Chapter 40B, all the units in a development, whether affordable or not, count toward the 10% subsidized count.

Table 2-7: Subsidized Housing for the Cities and Towns that make up the Lowell PMSA

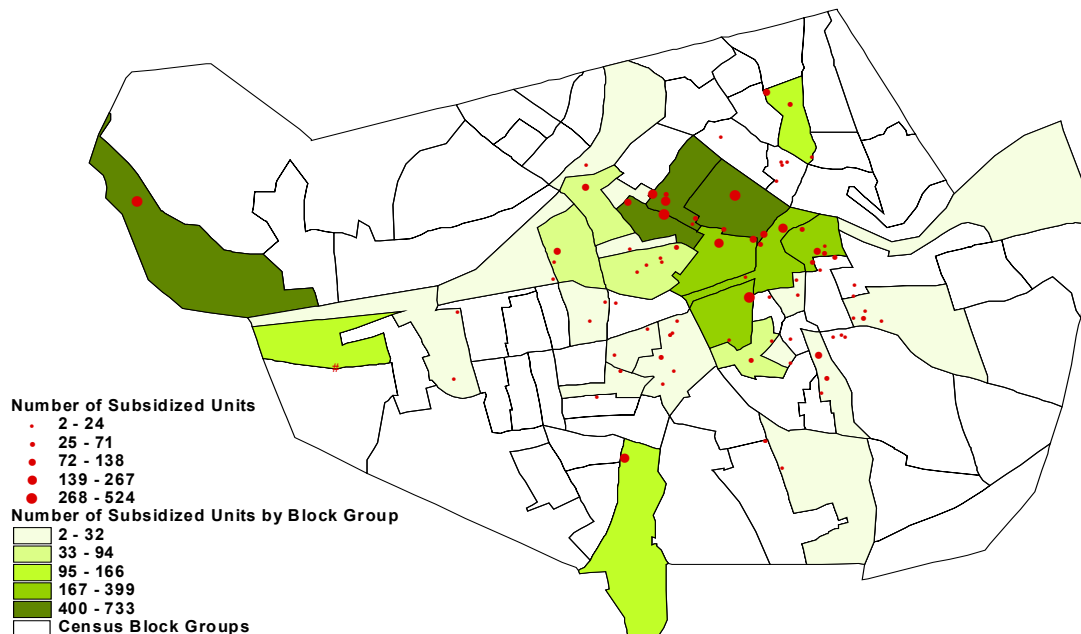
City/ Town	Popu- lation	Low-Mod Pop- ulation	Percent Low- Mod Income	Housing Units*	2001 Subsi- dized Housing	2001 Percent Subsi- dized	2005 Subsi- dized Housing	2005 Percentias Subsi- dized	Sud. Units % of Low income population	New Units since 2001	Percent Increase since 2001	Units for 10% State Goal
Lowell	105167	60786	57.8%	39381	5130	12.7%	5174	13.1%	8.5%	44	0.9%	0
Dracut	28562	9482	33.2%	10597	283	3.1%	557	5.3%	5.9%	274	96.8%	503
Tewksbury	28851	7645	26.5%	10125	393	4.4%	449	4.4%	5.9%	56	14.2%	564
Billerica	38981	10794	27.7%	13055	212	1.7%	457	3.5%	4.2%	245	115.6%	849
Chelmsford	33858	8566	25.3%	12981	457	3.9%	727	5.6%	8.5%	270	59.1%	571
Westford	20754	3237	15.6%	6877	120	2.2%	148	2.2%	4.6%	28	23.3%	540
Tyngsborough	11081	3113	28.1%	3784	116	3.8%	260	6.9%	8.4%	144	124.1%	118
Pepperell	11142	3287	29.5%	3905	117	3.3%	117	3.0%	3.6%	0	0.0%	274
Groton	9547	1966	20.6%	3339	93	3.4%	182	5.5%	9.3%	89	95.7%	152
Dunstable	2829	466	16.5%	933	0	0.0%	0	0.0%	0.0%	0	0.0%	93
<b>Totals</b>	<b>290,772</b>	<b>109,342</b>		<b>104,977</b>	<b>6,921</b>		<b>8,071</b>			<b>1,150</b>	<b>16.6%</b>	<b>3663</b>
Lowell % of Total	36.17%	61.20%		37.51%	74.12%		64.11%			3.83%	-13.5%	

\*data derived from information provided to Department of Housing and Community Development by individual communities as of March 2005

**Map 2-6: Subsidized Housing in Lowell MSA region**



**Map 2-7: Location and Number of Subsidized units by Lowell Block Group**



Of the 5,174 total units of subsidized housing in Lowell, 1,894 are located in public housing developments. 983 are reserved for elderly residents and 910 units are reserved for families. 1,639 are Federally assisted Public Housing Units and 255 are state assisted Public Housing Units. Sixty-four units are handicapped accessible, of which 40 are located in elderly developments and 24 are located in family developments. Ninety- eight percent of the units are occupied. The vacancy rate is due to turnover and upgrading of units for new tenants. See Table 2-8 for more details.

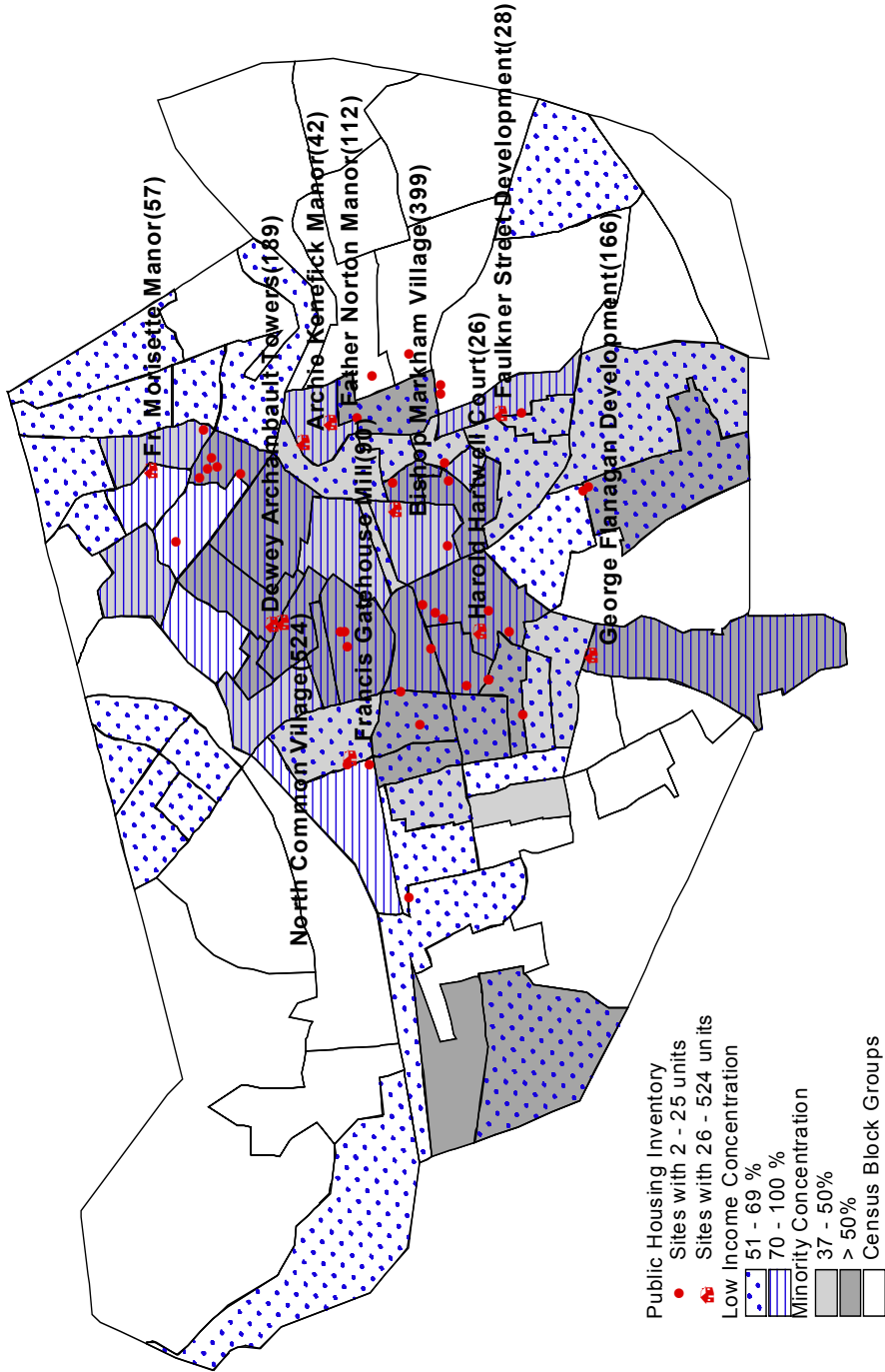
**Table 2-8: Public Housing Units in Lowell**

<b>Housing Development</b>	<b>Total Units</b>	<b>Occupied Units</b>	<b>Type of Units</b>	<b># Accessible Units</b>	<b>% White</b>	<b>% Hispanic</b>	<b>% Black</b>	<b>% Asian</b>
Archie Kenefick Manor	42	42	Elderly	3	100.0%	0.0%	0.0%	0.0%
Bishop Markham Village	399	381	Elderly	23	66.1%	24.4%	4.2%	5.2%
Dewey Archambault Towers	189	188	Elderly	2	81.4%	7.4%	2.7%	8.5%
Fr. Morrisette Manor	57	57	Elderly	3	94.7%	3.5%	1.8%	0.0%
Fr. Norton Manor	112	112	Elderly	0	91.1%	3.6%	3.6%	1.2%
Francis Gatehouse Mill	90	90	Elderly	9	96.7%	0.0%	1.1%	2.2%
Lawrence - Faulkner St.	27	27	Elderly	0	100.0%	0.0%	0.0%	0.0%
Scattered Sites	67	64	Elderly	0	51.5%	37.5%	3.1%	7.8%
Total - Elderly	983	961		40				
705-C	23	19	Family	0	10.5%	47.4%	5.3%	36.8%
George W. Flannagan Village	166	166	Family	8	32.5%	46.4%	6.0%	15.1%
Harold Hartwell Crt.	26	26	Family	0	23.1%	53.8%	7.7%	15.4%
Lagrange St.	10	10	Family	1	40.0%	60.0%	0.0%	0.0%
Lane-Liberty-Walker St.	32	31	Family	0	38.7%	32.2%	9.7%	19.4%
North Common Village	524	520	Family	10	22.9%	54.6%	3.1%	19.4%
Scattered Sites	105	101	Family	5	17.8%	48.5%	1.0%	32.7%
Scattered Sites (Community Residences)*	24	24	Family	0	n/a	n/a	n/a	n/a
Total - Family	910	897		24				
<b>TOTAL</b>	<b>1893</b>	<b>1858</b>		<b>64</b>				

The minority/poverty rates in the block groups containing larger public housing developments display a strong correlation to block groups with high poverty and minority concentrations including North Common Village (320 Units) and the George Flanagan Development (166 Units), and Bishop Markham Village (399), and Dewey Archambault Towers (189), and Father Norton Manor (112) as illustrated in Map 2-8. The larger developments can skew an entire block group. The Family developments with the largest minority populations are located in different Census tracts and not concentrated in any specific geographic areas. The larger elderly developments are located both adjacent to and in several of the same block groups. The elderly developments, however, are predominantly white and do not affect the minority populations in these block groups.

Sixty –two percent of the total subsidized units are located in Census Tracts # 3110, 3101, 3119, 3111, all located in the downtown area. See Map number 2-7: Location and Number of Subsidized Units in Lowell by Block Group.

Map 2-8: Location of Public Housing by Block Group



**Table 2-9– Breakdown of Lowell Subsidized Affordable Housing**

<b>PUBLIC HOUSING</b>	<b>ELDERLY</b>	<b>FAMILY</b>	<b>TOTAL</b>
<b>Lowell Housing Authority (LHA)</b>			
State assisted Public Housing Units	166	89	255
Federally assisted Public Housing Units	818	821	1,639
<b>TOTAL PUBLIC HOUSING UNITS</b>	<b>984</b>	<b>910</b>	<b>1,894</b>
<b>OTHER SUBSIDIZED HOUSING UNITS</b>			<b>3,280</b>
<b>TOTAL SUBSIDIZED HOUSING UNITS</b>			<b>5,174</b>
<b>RENTAL ASSISTANCE</b>			
Private Market Rental Assistance Certificates/Vouchers Managed by LHA			1,246
Rental Assistance Certificates/Vouchers managed by Community Teamwork, Inc. (CTI)			633
<b>TOTAL RENTAL ASSISTANCE UNITS</b>			<b>1909</b>

## **E. Other Relevant Data**

### Lead Paint

Like many of the older densely populated cities of the Northeast, Lowell has a high rate of non-deleaded apartments because housing built before 1979 has a high probability of lead abatement needs. There are 34,230 Housing units in Lowell built before 1979, comprising 85% of the total Lowell housing inventory. 19,500 of these units are located in areas of the city with high concentrations of low-income and minority families. Many of these families have young children.

Due to the age of the housing stock and the relatively large number of low income households, Lowell is a high risk community for Childhood Lead Poisoning. 2.6 percent per 1000 children screened from 1998-2003 have an elevated blood level of 15(ug/dl), which is considered moderately elevated. The State rate is 1.5 percent. The adjusted rate which factors in the percent of homes built before 1950 and households with low or moderate income is 4.1 percent which makes it the 13<sup>th</sup> highest rate in the state. Lawrence, New Bedford, and Fitchburg have the highest rates in the state. See Table 2-10. See Map 2-9: Location of children with elevated blood in Lowell, MA for locations of children with elevated blood levels in Lowell. Lowell has been very successful in combating the incidence of childhood lead paint poisoning with a targeted approach of its Lead Abatement Program. See Ma

The Massachusetts Lead Law requires the removal or covering of lead paint hazards in homes built before 1978 where any children under six live. Lead paint hazards include loose lead paint and lead paint on windows and other surfaces accessible to children. Owners are responsible with complying with the law. This includes owners of rental property as well as owners living in their own single family home. If a child is lead poisoned by lead hazards where the child lives, the owner is legally responsible. An owner cannot avoid liability by asking tenants to sign an agreement that they accept the presence of lead paint.

The high cost of deleading units in Lowell has the effect of limiting the number of apartments that are safe to rent to families with young children because many landlords are unwilling or not financially able to undertake deleading of their apartments. In addition, landlords incur liability associated with a child who may become lead poisoned while living in his/her apartment. Consequently, local housing advocates report, and the Housing survey indicates, that many renters are asked if they have children and are discouraged from looking at apartments if they do even though Fair Housing Law states that it is unlawful to discriminate against families with children.

Over 131 properties, representing 542 units, have been deleaded through the City's Lead Abatement Program since 2000. The location of the lead abatement sites is evenly distributed throughout the city. See Map 2-10: Location of Lead Abatement Sites in Lowell, MA. Unfortunately, the City has a very large waiting list of families living in apartments with children who have elevated blood levels.

The City's abundance of older housing stock with lead paint, in conjunction with Massachusetts Lead Paint Law has the effect of impeding the housing options of families with young children. This Impediment is addressed in Section 6- Conclusions and Recommendations as Impediment #8.

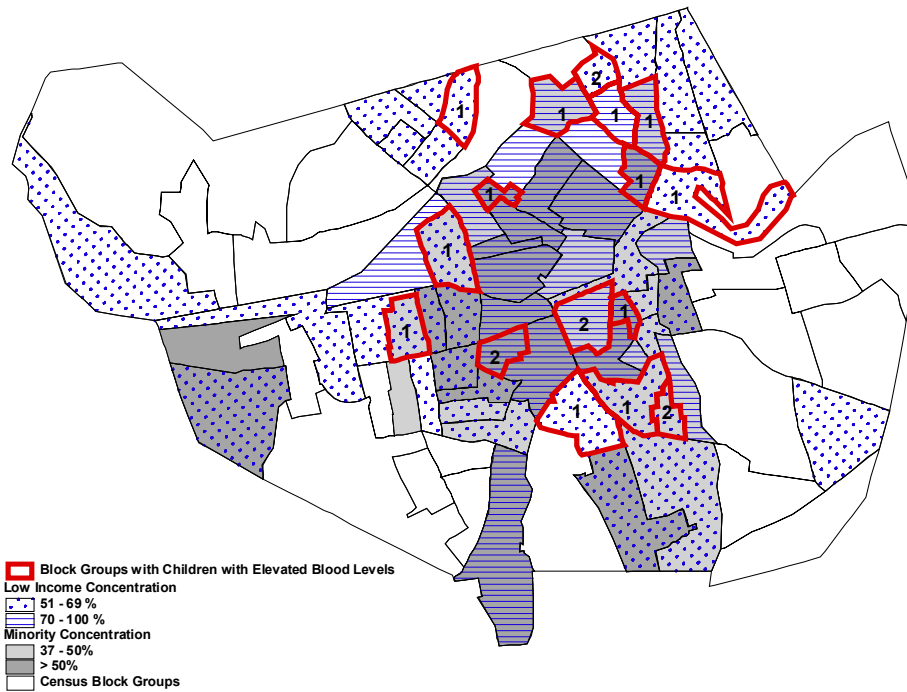
**Table 2-10: High Risk Communities for Childhood Lead Poisoning**

*July 01, 1998 through June 30, 2003*

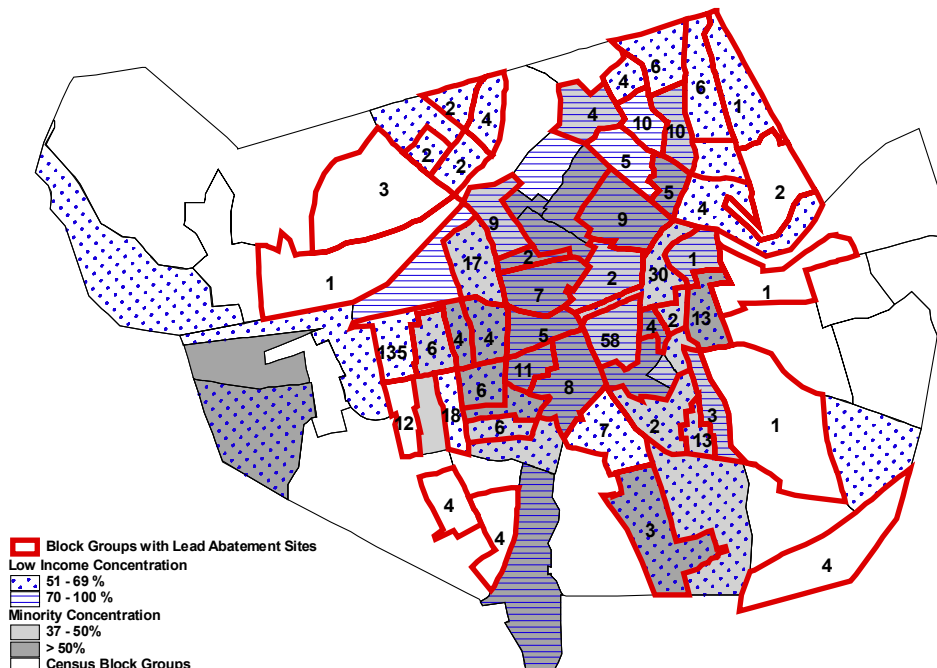
<i>Community</i>	<i>5-yr Cases</i>	<i>Rate Casesx1000</i>	<i>% Low Income</i>	<i>% Pre- 1950</i>	<i>Adjusted Rate</i>	<i>% Screened</i>
1 <b>Lawrence</b>	97	4.1	59%	61%	9.6	77%
2 <b>New Bedford</b>	81	3.3	58%	66%	8.2	93%
3 <b>Fitchburg</b>	30	3.7	47%	65%	7.3	71%
4 <b>Holyoke</b>	38	3.4	55%	55%	6.7	74%
5 <b>Lynn</b>	79	3.2	47%	66%	6.4	84%
6 <b>Springfield</b>	116	3.3	56%	52%	6.2	68%
7 <b>Boston</b>	348	2.8	45%	67%	5.5	90%
8 <b>Worcester</b>	99	3.0	49%	57%	5.4	72%
9 <b>Chelsea</b>	29	2.3	56%	60%	5.0	94%
10 <b>Brockton</b>	89	3.6	44%	46%	4.7	86%
11 <b>Pittsfield</b>	23	2.4	49%	61%	4.7	90%
13 <b>Lowell</b>	65	2.6	45%	54%	4.1	71%
14 <b>Haverhill</b>	39	3.2	35%	49%	3.6	68%
15 <b>Somerville</b>	25	1.9	36%	78%	3.5	82%
16 <b>Fall River</b>	31	1.4	57%	64%	3.3	81%
17 <b>Salem</b>	16	1.9	40%	61%	3.0	91%
18 <b>Chicopee</b>	15	1.9	49%	42%	2.5	62%
19 <b>Malden</b>	16	1.6	38%	58%	2.3	68%
<b>MA High Risk</b>	<b>1,236</b>	<b>2.9</b>	<b>48%</b>	<b>61%</b>	<b>5.5</b>	<b>81%</b>
<b>Massachusetts</b>	<b>1,803</b>	<b>1.5</b>	<b>35%</b>	<b>44%</b>	<b>1.5</b>	<b>72%</b>



**Map 2-9: Location of children with elevated blood in Lowell, MA**



**Map 2-10: Location of Lead Abatement Sites in Lowell, MA**



### III. EVALUATION OF JURISDICTION'S CURRENT FAIR HOUSING LEGAL STATUS

#### A. Fair Housing Complaints of compliance reviews where the Secretary has issued a charge or has made a finding of discrimination.

The Massachusetts Commission Against Discrimination (MCAD) ensures equality of opportunity by enforcing the Commonwealth's Anti-discrimination laws, chapters 151B & 272, through the resolution of complaints of discrimination in the areas of employment, housing, public accommodations, services, credit and education. The MCAD reports all fair housing related complaints the Department of Housing and Urban Development Fair Housing and Equal Opportunity office as required under law. The following Table lists the housing discrimination cases regarding property in Lowell that have been reported to the Massachusetts Commission Against Discrimination (MCAD) since 2001.

**Table 3-1: MCAD Housing Complaint History for Lowell**

Record	Respondent	Date filed	Basis of Alleged Discrimination	Status
01160033	River Place Towers; Princeton Properties	01-08-01	Mental Illness	Closed 2/22/01: Lack of Probable Cause
011600257	Dan Clark – Princeton Plaza; Princeton Properties	01-30-01	Black (Non Hispanic)	CLOSED
01160946	Westminster Village Apartments Et Al	04-12-01	Age	CLOSED
01161177	Roger Welsmey	05-02-01	Marital Status	CLOSED
01161494	Jim Fee/Upm Inc./Marguerite Bradshaw, trustee Ford	05-25-01	Marital Status	CLOSED
01162474	Savan Seng & John L/N/U (Agent)	09-06-01	National Origin	CLOSED
011610335	Mr. Charles	10-30-01	National Origin	CLOSED
021600612	Conrad Gauthier	03-07-02	Sexual Orientation	CLOSED
031600868	Sophia Panagiotopoulos	04-08-03	Familial	CLOSED
041602005	Princeton Properties	07-23-04	National Origin	CLOSED
041602418	Centurion Management	08-31-04	Sex, other	CLOSED
041603071	L/N/U	11-15-04	Disability	Active

The MCAD complaint history since 2001 represents a very small snapshot of housing discrimination in the private sector. Fair housing discrimination in the private sector is very difficult to measure. A very small percent of discrimination is reported as most protected classes do not know that they have been discriminated against or do not know what constitutes discrimination. Fair Housing discrimination can be very subtle. Housing providers agree that the majority of apartment seekers who are discriminated against are not inclined to report discrimination for a variety of reasons including lack of education about discrimination and fair housing laws and lack of time and transportation to file a complaint to the MCAD in Boston. The Greater Boston Fair Housing Center, a non-profit organization with the mission of ending illegal housing discrimination in the greater Boston area, conducted a study of housing discrimination in the greater Lowell and Merrimack Valley area rental markets. The audit tested for discrimination against African American, Asian, Latinos, and families with children. See Chapter 4B – Private Sector for more information about this study.

**B. Fair housing discrimination suit(s) that have been filed by the Department of Justice.**

-None-

**C. Fair housing discrimination suit filed by Private plaintiffs.**

In 2001, the Massachusetts Law Reform Institute, on behalf of the Massachusetts Union of Public Housing Tenants and a class of residents, filed suit in Middlesex Superior Court to prevent demolition of the Julian D. Steele public housing complex on Gorham Street. The defendants named are the Lowell Housing Authority, the City of Lowell, and Jane Wallis Gumble, Director of the Massachusetts Department of Housing and Community Development. To date, several counts from the original suit have been dismissed.

See section VI, A, 4 - Sale of subsidized housing and possible displacement for more information.

**D. Reasons for any trends or patterns to which new or revised Fair Housing actions may be needed because of these trends.**

There are no trends that need to be addressed in this section.

## IV. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE

### A. Public Sector

#### 1. Zoning and Site Selection

##### Zoning and Land-Use compliance with fair housing laws:

The City of Lowell continues to work to eliminate barriers that may limit the production or feasibility of affordable housing construction that are within the capacity of local government to address. Foremost among these are zoning and land-use regulations. In December of 2004, the Lowell City Council adopted a comprehensive reform of the City's zoning regulations, consistent with the 2003 Master Plan.

Under the new zoning, over thirty-eight percent (38%) of the City's land area is zoned to allow multi-family development in residential or mixed-use zoning districts. The City allows significant density in these zones as described below. Even the most restrictive single-family zone allows more than four units per acre. In addition, the City's Zoning Ordinance allows for accessory dwelling units in single-family zoned areas and encourages the conversion of existing buildings including schools, churches, and obsolete industrial buildings, to multi-family residential uses, even when those buildings are located in single-family zoning districts. In certain urban mixed-use zoning districts required parking is limited to one space per unit, and a by-right waiver for all required parking is provided if the project site is within 1500 feet of a public parking structure.

**Maximum Allowable Residential Densities in Lowell Zoning Districts**

<b>Zoning District(s)</b>	<b>Proportion of Land Area</b>	<b>Units per Acre</b>
Suburban Multifamily (SMF), Suburban Mixed Use (SMU), & Traditional Two-Family (TTF)	18%	14.5
Traditional Multifamily (TMF), Traditional Mixed Use (TMU), & Neighborhood Business (NB)	9%	17
Urban Multifamily (UMF) & Urban Mixed Use (UMU)	3%	43.5
Downtown Mixed Use (DMU), High Rise Commercial (HRC), and Institutional (INST)	8%	60-120*

\*Limited only by floor area ratios.

Source: City of Lowell Zoning Code

Lowell's permit fees and development review process are also some of the least burdensome in the region. The City does not charge development impact fees or technical review fees that are permitted under Massachusetts General Law and places no special permitting reviews on affordable housing projects that would not be required of all developments.

In recent years, the Lowell Planning Board has approved three subdivisions that collectively included one hundred (100) units of affordable housing. In each case, the approval included multiple waivers of the infrastructure design standards for a subdivision that served to reduce the cost of construction. In addition, the Concord Meadows subdivision was approved as a planned residential development, enabling the project to reduce lot area, setbacks, and frontage requirements as well as minimize the infrastructure costs by clustering the building lots with shorter utility runs and roadways, while providing communal open space resources for the residents of this mixed income project.

Housing affordability in Lowell, Massachusetts is largely an economic issue, not a regulatory one, and the City's public policies relative to housing are not excessive or discriminatory. The City's tax policies generally affecting land and other property, land use controls, zoning ordinances, building codes, code enforcement, fees and charges, growth limits and policies that affect the return on residential (including supportive housing) investment are not major impediments to the development of affordable housing opportunities in Lowell. There are neither Court orders nor HUD sanctions in effect in Lowell, Massachusetts.

#### Group Home Issues:

The City of Lowell zoning code does not restrict the siting of group homes in any manner which conflicts with the Joint Statement Of The Department Of Justice And The Department Of Housing And Urban Development for Group homes. Definitions of family and classifications of use are applied equitably to all projects. No specific restrictions are placed on group homes serving any type of population.

Most group homes in the City of Lowell are connected to a State Agency and are therefore exempt from local zoning regulation except for the reasonable regulation of building size, bulk, lot size, and other dimensional requirements to insure the health, safety, and welfare of citizens and occupants. Group homes are fairly evenly distributed throughout the City with many located in the Pawtucketville neighborhood, one of the wealthiest, and least diverse areas of the City.

#### Family Status:

The City of Lowell Zoning Ordinance Article II defines a family as "An individual, or two (2) or more individuals related by blood, marriage, or adoption living together, or not more than three (3) individuals not related by blood, marriage, or adoption living together." This definition is enforced without prejudice and, although fairly lenient, any restrictions on unrelated co-habitation are intended to prevent over-crowding of off-campus student residences near the UMass campus. The only standards that restrict the number of occupants in a home are based on state sanitary code requirements for issuing habitation certificates and are related to a minimum number of square feet required for each occupant of rental housing.

#### Public Housing:

Public Housing is treated just like other housing. If a proposed project includes four or more units it will require a public hearing as part of the Planning Board's site plan approval. The public hearing would include notification to abutters of the basic

nature of the project and the name of the proponent. Lowell Housing Authority as the proponent would indicate public housing. However, the same procedures and requirements are applied to all residential projects of four or more units and therefore is compliant with the fair housing requirements. Similar public hearing and notification requirements exist for residential subdivisions under the State subdivision control law and are enforced fairly and equally for all applicants.

#### Homeless Persons:

The City of Lowell does not appear to have ordinances criminalizing homelessness directly or addressing vagrancy. Section 17-6(a) of the City's Code of Ordinances addresses loitering as follows: "No person shall stand or loiter in or on any street, sidewalk or public place in such a manner as to obstruct the free passage or travelers thereon nor shall any person on such a street, sidewalk, or public place, after being directed by a police officer to move on and disperse, on a same or subsequent day, reassemble or loiter or remain so as to obstruct the free passage of travelers or motor vehicles; provided that nothing contained in this section shall be construed to deny the right of peaceful picketing." This law has generally only been used as a tool to reduce gang intimidation and violence in parks and on downtown streets.

## **2. Neighborhood Revitalization, Municipal & other Services, Employment-Housing -Transportation Linkage.**

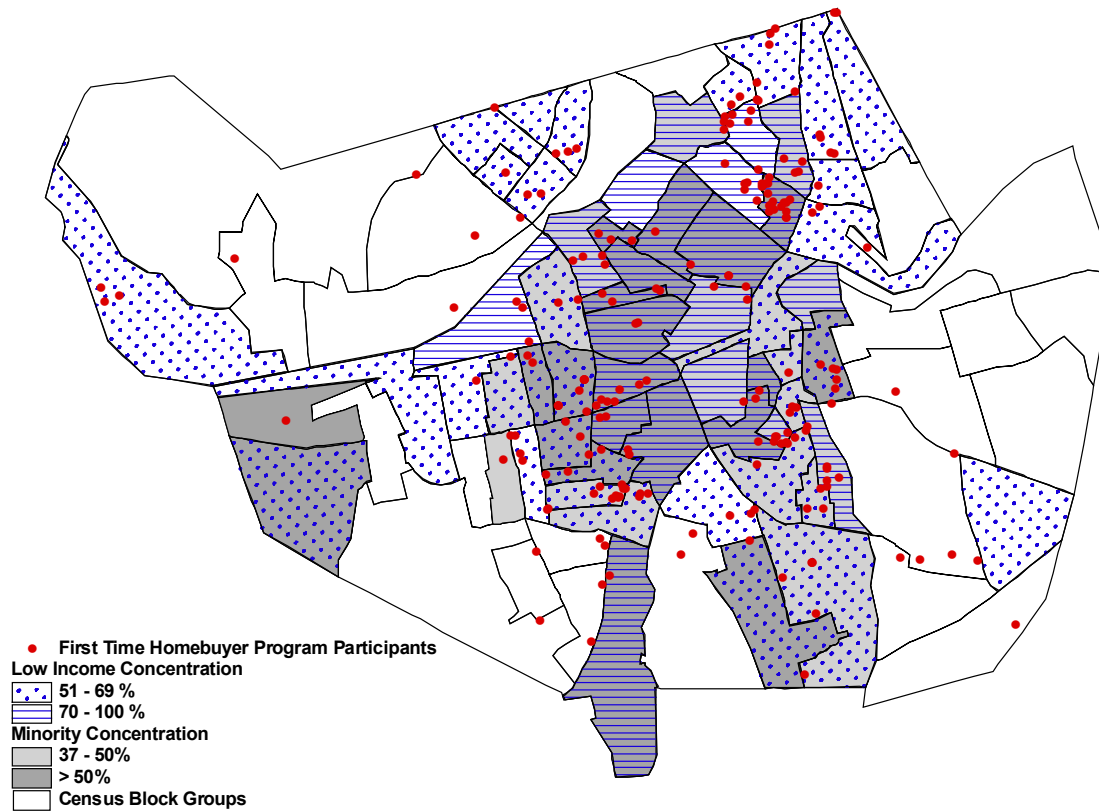
The CDBG and HOME funded programs including the First time homebuyers, rehab, and the Lead paint programs are distributed Citywide and are targeted to persons earning less than 80 percent of the median income. The CDBG funds distribution process insures entitlement resources are utilized for projects in the low-to moderate-income neighborhoods and that these funds are well distributed throughout the eligible neighborhoods through a citizen advisory process. Over 50% of the First Time Homebuyers participants are minority, a rate that is higher than the overall rate of minorities in the city as of 2000. Table 4 –1 below illustrates the distributions of 260 First Homebuyer funds by income and minority rates. The Table verifies that the rate of first time homebuyer assistance is distributed proportionately based on the overall minority rate in the Lowell. As the last column in Table 4-1 illustrates, the minority percentage of first time homebuyers exceeds the citywide minority population in each income group. For example, 60% of the FTH families making 31 – 50 % of the area median income are minorities. The percentage of all minority families in the 51-80% income category is 47.6%. Map 4-1 illustrates where the 260 recipients are located.

**Table 4-1 – Home First Time Homebuyer Participants**

<b>Income Ranges of Participants</b>	<b>Total Participants</b>	<b># Minority Participants</b>	<b>% Minority Participants</b>
Extremely Low-income (0-30% AMI)	5	2	40.0%
Low-income (31-50% AMI)	66	39	59.1%
Moderate-income (51-80% AMI)	189	90	47.6%

<b>TOTAL</b>	<b>260</b>	<b>131</b>	<b>50.4%</b>
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**Map 4-1: First Time Homebuyer Activity by Location**



## NEIGHBORHOOD REVITALIZATION PROJECTS

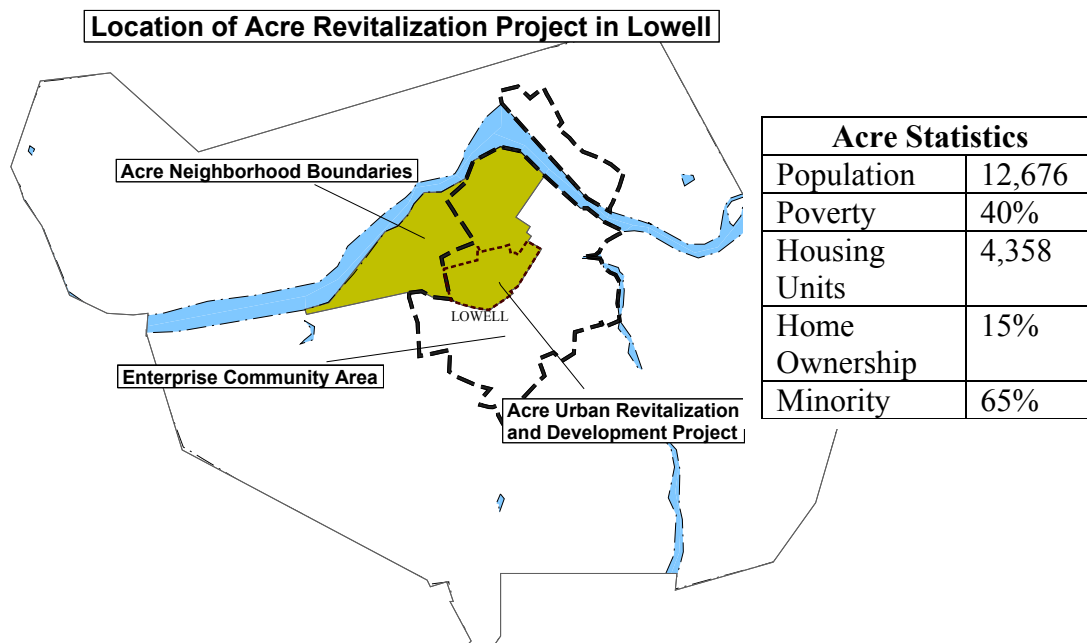
The city has three major neighborhood revitalization projects that it plans to implement over the next 5 to 10 years. Each revitalization strategy has housing goals and/or economic development/urban revitalization goals. These projects have multiple finance partnerships that include non-profit and for-profit developers, neighborhood residents, private lending institutions, Federal State and Local resources. CDBG and HOME Program funds have been expended, and will continue to be expended, for initial planning expenses, predevelopment, and capital expenses for all of these programs. Anti-displacement and Relocation Plans for all three of Neighborhood Revitalization Strategies have been undertaken.

- Acre Urban Revitalization and Development Project (Acre Plan)
- Julian D. Steele Reinvention and Replication Plans
- The Jackson, Appleton, Middlesex Urban Revitalization and Development Project (JAM Plan)

### **Acre Urban Revitalization and Development Project**

The City will invest a substantial amount of its HOME and CDBG funds into the Acre Urban Revitalization and Development Plan. This is a \$55 million dollar 20-year plan to revitalize a .17 sq. mi. area within one of the most depressed neighborhoods in the City known as the “Acre.” Track I of the plan is a five year period which will consist of acquisition, demolition, or rehab, of 55 residential and commercial buildings. A new 650-student middle school will be constructed along with 103 units of subsidized and market rate housing supermarket, pharmacy and related services in a centralized commercial node, within walking distance of all housing developments. The Acre Plan will result in the creation of 103 new housing units, including 47 homeownership units targeted to families earning slightly less than the City median income of \$29,351.

The following map illustrates the location of the revitalization area within the Acre neighborhood.





### **Julian D. Steele Reinvention Plan**

The Residents First Development Corporation is in the process of redeveloping the site of the former state-funded Julian D. Steele Housing (JDS) Development with a combination of market rate and low-income rental and homeownership units.

The redevelopment of JDS will result in the creation of 180 units on the existing 20-acre Julian Steele site. The new development will consist of 90 single-family units and 45 two-family buildings and will be known as Concord Meadows. All properties will be owner-occupied.

The potential fair housing impediments of this project are analyzed in Section 4 – Sale of Subsidized Housing and Possible Displacement.

### **Jackson Appleton Middlesex Urban Revitalization Plan**

This Plan was developed with the vision of creating a vibrant and thriving commercial district that could also link the downtown to the Gallagher Transportation Terminal and form a gateway to the City. A first step towards this vision is creating access to the area for pedestrian, vehicular, and commercial traffic and providing adequate parking for new and existing businesses. This plan includes the acquisition, rehab or demolition of 22 commercial and residential buildings. The primary goal of the plan is for economic revitalization and infrastructure improvements in the form of streets and sidewalk improvements.

## **MUNICIPAL AND OTHER SERVICES**

Municipal services such as code enforcement, community policing, and street and sidewalk improvements, and neighborhood services are funded with a combination of local tax revenues and CDBG funds. CDBG funds are used to supplement these services in neighborhoods that are located within census tracts or block groups where at least 51 percent of the population is low to moderate income. An analysis of these services does not indicate any discriminatory practices. The services are undertaken to insure that all neighborhoods benefit equally.

## **EMPLOYMENT-HOUSING-TRANSPORTATION LINKAGE**

Lowell is well connected to major employers in the area via public transportation. The Massachusetts Bay Transportation Authority (MBTA), the Merrimack Valley Regional Transit Authority (MVRTA), and the Lowell Regional Transit Authority (LRTA) provide public transportation connecting Lowell residents to the major employers in the region. The LRTA operates bus routes throughout Lowell and the surrounding suburbs originating at the Downtown Transit Center and Gallagher Terminal. The MVRTA operates buses from the Lowell Transit Center serving the region including Lowell, Massachusetts. The MBTA provides commuter rail service from Downtown Lowell at the Transit Center to Boston connecting at North Station.

The elderly and disabled are served by the LRTA with the Road Runner Program. This service requires at least a one-day advance reservation and costs 50 cents each

way and 80 cents for out of town locations. The program serves the same areas as the LRTA. These services are available until 4pm.

The City of Lowell's Comprehensive Master Plan details a strategy to expand public transportation services in Lowell for residents, employees and visitors. Based on research conducted for the Existing Conditions Report's Transportation component, which included traffic volume and pattern studies, the City of Lowell's Division of Planning and Development recommends the following in the Master Plan:

**Recommendation:** Provide multi-modal transportation connections within and between Lowell and a variety of regional destinations.

**Action Step:** Expand the hours of nightly LRTA operation in conjunction with MBTA community rail arrivals/departures, special events and other locations of evening activities.

The LRTA is completing a complete revision of their service plan that includes a bus hub at the Gallagher terminal to simplify transfers between public transportation modes as well as extended service hours for some bus routes. The City is currently preparing an application for state transit oriented development grant funds to improve the pedestrian and bicycle access and connections to the Gallagher terminal.

These issues are discussed with a recommendation in Chapter 6 – Conclusions and Recommendations.

### **3. PHA & other Assisted/Insured Housing Provider Tenant Selection Procedures; Housing Choices for Certificate and Voucher Holders**

The Lowell Housing Authority administers 1,893 public housing units and 1,286 housing vouchers. The majority are Federally subsidized. Community Teamwork Inc, a regional community services agency based in Lowell, administers about 2029 vouchers of which 663 or 32% are currently being used for units in Lowell.

The rates of minority populations for each development range from 0-48% at the elderly public sites and 58-90% in the family housing sites. Although minorities constitute the majority of PHA tenants, there is no overly concentrated percentage of minorities in any of the developments. See Table 2-7 for more detail.

Currently the Lowell Housing Authority has a very long waiting list for all public housing units and vouchers. Of the 8,005 families on the LHA public housing waiting list, 63% of these households are minorities. Federal Public Housing waiting lists are open for one, two, and five bedroom units. State Public Housing applications are accepted for emergencies only. The wait lists for three and four bedroom apartments have been closed for seven years. The waiting period for 1-bedroom units is 6-12 months and the wait for 2-5 bedroom units is 1 – 2 years. Of the 213 families on the LHA public housing waiting list, 66% of these households are minorities. The Section 8 Waiting list may open for a brief period in the near future.

**Table 4-2: Waiting List Increases and Minority percents**

	2001		2004		2005	
	Total	Minority %	Total	Minority %	Total	Minority %
Public Housing	2,405	60	5,905	63%	8,005	63%
Section 8	921	Unknown	332	58%	213	66%

**Table 4-3: Waiting List and Length of Wait**

Type and Size	Waiting period	Status
1 Bedroom Public Housing	6-12 months	open
2 bedroom Public Housing	1-2 years	open
3 Bedroom Public Housing	3-4 years	closed
4 Bedroom Public Housing	3-4 years	closed
5 Bedroom Public Housing	3-4 years	open
Section 8 Vouchers	Up to five years	closed*
State Public Housing	For emergencies only	closed

There have been no new preferences added to the tenant selection criteria for Federally subsidized units since October 2000, when the LHA Board of Commissioners approved several new preferences to their tenant selection criteria that bring into question fair housing issues for the disabled. These changes include preferences for veterans and working families. This trend occurred nationwide and the LHA was one of the last PHA's to implement these changes for which the consequences could affect disabled and/or non-working households ability to locate suitable affordable housing as disabled households receive income through public assistance and may not work. Disabled individual's social security income is considered to be equal to income earned through work for purposes of this comparison.

The preferences are as follows as stated in 2004 Lowell Housing Authority Annual Plan:

1. A person/household involuntarily displaced from a dwelling in Lowell by natural disaster, fire, unwarranted landlord or government action, including capital programs of the LHA.
2. A working head of household or spouse (who has averaged 20 hours of work a week for at least six months), or a person 62 years or older, or a person unable to work because of the extent of his/her disability.
3. A legal resident of Lowell, or person working in Lowell an average of 20 hours per week or more, or a person with a job offer to work in Lowell with a minimum of 20 hours of work per week.
4. A victim of domestic violence who has been relocated as verified by the police.
5. A veteran as verified by the Department of Veterans Affairs.

They most recent Low Rent Public Housing (LRPH) Administrative Plan is consistent with revised HUD regulations and requirements as set forth in 24CFR Parts 5, Federal Register Notices and other binding directives from HUD. The LRPH Administrative Plan has omitted all discretionary matters that were inconsistent with current HUD Regulations and Guidelines. It incorporated all current non-discretionary requirements and automatically incorporates into its administrative Plan future non-discretionary requirements concurrent with the effective date of the Federal Register Rule or other or other binding program directives.

#### **Section 504 Assessment**

The Lowell Housing Authority completed its Section 504 assessment in July, 1994 to determine how the LHA can best comply with HUD's accessibility requirements. The assessment was based on a variety of factors including LHA's waiting list for all accessible units. The report concluded that there was a need for less than 5% of all Federal units to be accessible. Currently of the 1893 public housing units, 64 or 3.3% are accessible.

The LHA understands the need to foster mobility and broaden housing choices for both minority and non-minority low-income individuals and families. Unfortunately, due to the extremely tight rental market and lack of affordable units in Lowell, and to an even greater extent in the surrounding suburbs, housing choices are extremely limited. Openings for units for public housing units are 3-4% per year, which translates to about 9-12 units per month, and 6.5% for vouchers or certificates. Tenants are permitted to request transfer to other public housing developments after a one -year period.

#### **4. Sale of Subsidized Housing and Possible Displacement**

The Lowell Housing Authority has implementing two projects that required the relocation of tenants or modified the options of future tenants, many of who are minorities and other protected classes of citizens. As described in Section IV- Neighborhood Revitalization, relocation plans were undertaken for the Jackson/Appleton/Middle Urban Renewal Plan and the Acre Revitalization Plan. In addition, the owners of expiring use properties may exercise their rights to prepay their government-subsidized mortgages.

#### **A. THE JULIAN D. STEELE REINVENTION AND REPLICATION PLANS**

On December 18, 2002 the State Legislature approved a plan (Chapter 97 of the Acts of 2002) that allowed the Lowell Housing Authority (LHA) to replace the troubled Julian D. Steele state-funded public housing project with a new neighborhood consisting of 180 mixed income units. These units will be constructed in single and two-family owner-occupied homes.

The public- private partnership includes a consortium of local banks offering \$24 million dollars to the selected developers of the project. As a partner in this effort,

the City of Lowell is utilizing a combination of Consolidated Plan funds, Low Income Housing Tax Credits (LIHTC), project-based subsidies, and private funding to support the development of 220 additional units of affordable housing scattered throughout the City and referred to as “Replication Units.” The 220 replication units, including 174 completed to date, will mitigate any backlog of waiting list recipients created as a result of the Julian D. Steele relocation of 181 tenants. The planned Replication Units carry the following affordability restrictions:

Affordable to households at or below 50% AMI for 30 years	79 Units
Affordable to households at or below 50% AMI for 15 years	78 Units
Affordable to households at or below 80% AMI for 30 years	32 Units
Affordable to households at or below 80% AMI for 15 years	31 Units
<b>TOTAL Replication Units</b>	<b>220 Units</b>

Seventy-one percent of the units will be affordable to families earning less 30% and 50% AMI as was established to be a priority in the City’s Consolidated Plan housing needs assessment. In addition to completing the Replication Plan requirements, over the next five years an additional 53 units that will be affordable to households earning 50% of the Area Median Income or less with 15-year deed restrictions will be developed. Potential sites have been identified for approximately 65% of these units, many within the Acre Urban Revitalization and Development Plan area. The following table outlines the City’s progress to date in completing the Replication Plan.

<b>Affordable to households at or below 50% AMI for 30 years</b>		
	Completed	59
	Under Construction/Permitting	47
	Sites Selected/Out to Bid	0
<b>Affordable to households at or below 50% AMI for 15 years</b>		
	Completed	0
	Under Construction/Permitting	15
	Sites Selected/Out to Bid	0
<b>Affordable to households at or below 80% AMI for 30 years</b>		
	Completed	93
	Under Construction/Permitting	5
	Sites Selected/Out to Bid	4
<b>Affordable to households at or below 80% AMI for 15 years</b>		
	Completed	22
	Under Construction/Permitting	3
	Sites Selected/Out to Bid	0

The Julian D. Steele housing project is being redeveloped for a variety of reasons including de-concentrating poverty, creating homeownership opportunities, and providing residents with better housing. As outlined in the 2000 Consolidated Plan’s Strategic Plan, the project is part of a strategy to “increase housing opportunities for low income persons in target neighborhoods by encouraging mixed-income housing

proposals that will provide housing alternatives.” The Consolidated Plan strategy is consistent with the HUD Statutory goal of “reducing the isolation of income groups within communities and geographic areas and the promotion of an increase in the diversity and vitality of neighborhoods through the special deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods.”

Many of the Replication Plan units (44) are being built within the context of the City’s Acre Plan as described in Section IV- Neighborhood Revitalization. The high quantity of affordable housing development in this plan area is the direct result of requests and demands made by area residents and advocacy organizations during the preparation of the plan. In addition, several (15) of the units are being located in larger market rate developments located in downtown Lowell. These larger market rate developments in the downtown Lowell have had the effect of offsetting the high concentrations of subsidized housing units in these areas

The Lowell Housing Authority has relocated all JDS residents based on a comprehensive Relocation Plan created by the consulting firm of Housing Opportunities Unlimited. The relocation was carried out pursuant to all applicable laws and regulations within 18 months. The relocation took place with based on offering the remaining 180 tenants the choice of receiving a Section 8 certificate or moving into a public housing unit. It is the policy of the Lowell Housing Authority that JDS tenants will have priority placement for subsidized units at the reinvented JDS Development as units come back on line and as they turn over through attrition. The Table below summarizes the project plan:

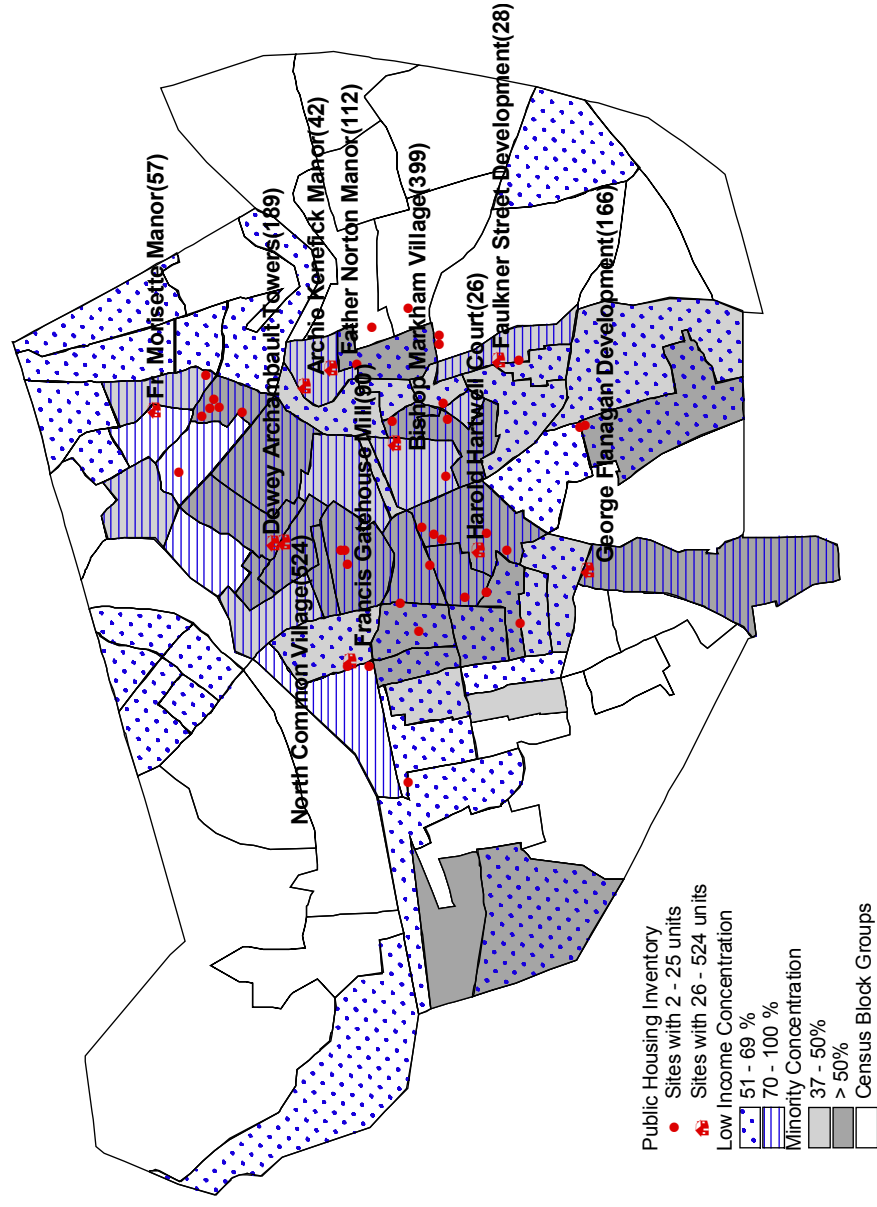
**Table 4-4: Julian Steele Project Summary**

Action	Affordable Housing Units	Market Rate Housing Units	Available to 0-50% MFI Extremely Low income	Available to 30-50% MFI Very Low Income	Available to 51- 80% MFI Low Income
<i>Current Affordability at JDS</i>					
Affordable Housing units demolished at the Julian Steele site	284 (215 occupied)	NA	176	35	4
<i>Affordability of completed Reinvention of JDS</i>					
Affordable Housing units located at the Julian Steele site (Reinvention Plan)	81	99	45 – Project based Section 8	18	18
Affordable Housing units located off site (Replication Plan)	220 for 0-80%	0	120	37	63
<b>Total affordable Housing units</b>	<b>301</b>	<b>N/A</b>	<b>165</b>	<b>55</b>	<b>81</b>

The relocation process insured that all JDS residents were given a reasonable relocation choice. A survey was administered to all of the JDS residents to establish their relocation preference.



**Map 4-2: Location of LHA Family Developments**





*Highlighted sections below have not yet been revised from the 2001 City of Lowell AI.*

### **Designation of the Lowell Housing Authority's Federal Elderly/Disabled Housing Portfolio**

The "Designation of the LHA's Federal/Disabled Housing Portfolio" has been approved by the Department of Housing and Urban Development. The HUD approval was needed so that the LHA could set aside 75% of all non-wheelchair accessible units for elders in four federal elderly/disabled developments. The approval was conditional based on applying for and receiving housing vouchers from the state of Massachusetts. The designation plan will mitigate the risk of the potential loss of 485 elderly one bedroom and efficiency units that are at risk due to expiring use issues. The final outcome of the plan is a net increase of 102 elderly units in the LHA housing portfolio and the change in location of units designated to the "young disabled" The units will be designated as they become available though attrition so that no current residents will be relocated. The units will be replaced with a combination of mobile and project-based Section 8 Certificates assigned to the LHA in 2000 and 2001.

While, the designation plan provides an increased supply of units to vulnerable low-income elderly populations, the loss of 102 units may impact and limit the housing choices and supply of units for disabled individuals under 50 years of age. Disabled individuals requiring a fully compliant wheelchair accessible unit will not be affected by the designation. The loss of these units may decrease the number of housing options available to the young disabled population during the five-year transitional period of turnover as the development of project based units will not necessarily always match supply and demand. The LHA will monitor and revise the Allocation Plan each year as is required by Section 511 of the Housing Quality and Work Responsibility Act.

An Allocation Plan to redesignate the location of young disabled was proposed by the LHA in 1998 and repealed by HUD. The repeal was due to concerns from advocates of the North East Independent Living Program (NILP) and disabled public housing tenants that it segregated the young disabled to two of the least desirable elderly/disabled developments in Lowell. The current proposal reflects these concerns and has been developed based on the concerns presented by the NILP about the 1998 Plan.

The NILP believes the current Allocation plan seems to be much more evenly distributed among the public housing developments. They do, however, have concerns about the prioritization of units that become available and the preference of the Project-based Section 8 units for the Department of Mental Retardation clients. Currently, disabled applicants are prioritized second to the elderly. The latest version of the designation plan that we received on 7/3/01 still has one serious concern that has not been addressed. The table below summarizes the Plan as we understand it:

#### **Summary of LHA Senior Designation Plan**

<b>Current Use</b>	<b>Designation Plan</b>		
<b>Units Available Before Designation</b>	<b>Elderly Set Aside Units (75%)</b>	<b>Mixed Units (25%)</b>	<b>Wheelchair Units</b>

<b>Plan</b>			
<b>818</b>	<b>588</b>	<b>199</b>	<b>31</b>
<b>Preference</b>	<b>Preference</b>	<b>Preference</b>	<b>Preference</b>
Elderly >62)	Elderly >62	Elderly >62	Disabled-any age
Disabled <62)	Near Elderly (>50)	Disabled <62)	
	Young Disabled (<50)		

Under the current version of the Designation Plan, the young elderly have a permanent loss of priority for 588 Elderly set-aside units and the same priority for the 199 Mixed Units that they had for all 818 units before the designation plan. Based upon the above table, the Plan could eventually result in the loss in the availability of more than 102 units for the “young disabled.” This loss of housing choices for the disabled would then be an impediment to fair housing choice for the disabled.

Recommended actions are addressed in Section 6 – Conclusions and Recommendations.

### **Private Expiring Use and Expiring Project Based Section 8 Projects**

Within the next five years, there are 10 developments with 721 units of privately-owned, HUD-subsidized multifamily apartments at risk over the next five years because of decisions by owners to terminate HUD subsidy contracts and convert their complexes to unrestricted market rents. These projects were financed with either project-based section 8 contracts that need to be renewed or have use restrictions that would allow owners to convert to market-rate housing at the 20<sup>th</sup> year of their 40 year term. If these affordable units are not retained, rental housing for the low and very low income populations and minorities will certainly experience an adverse impact. A table listing all the housing developments at risk, their status and details follows this discussion.

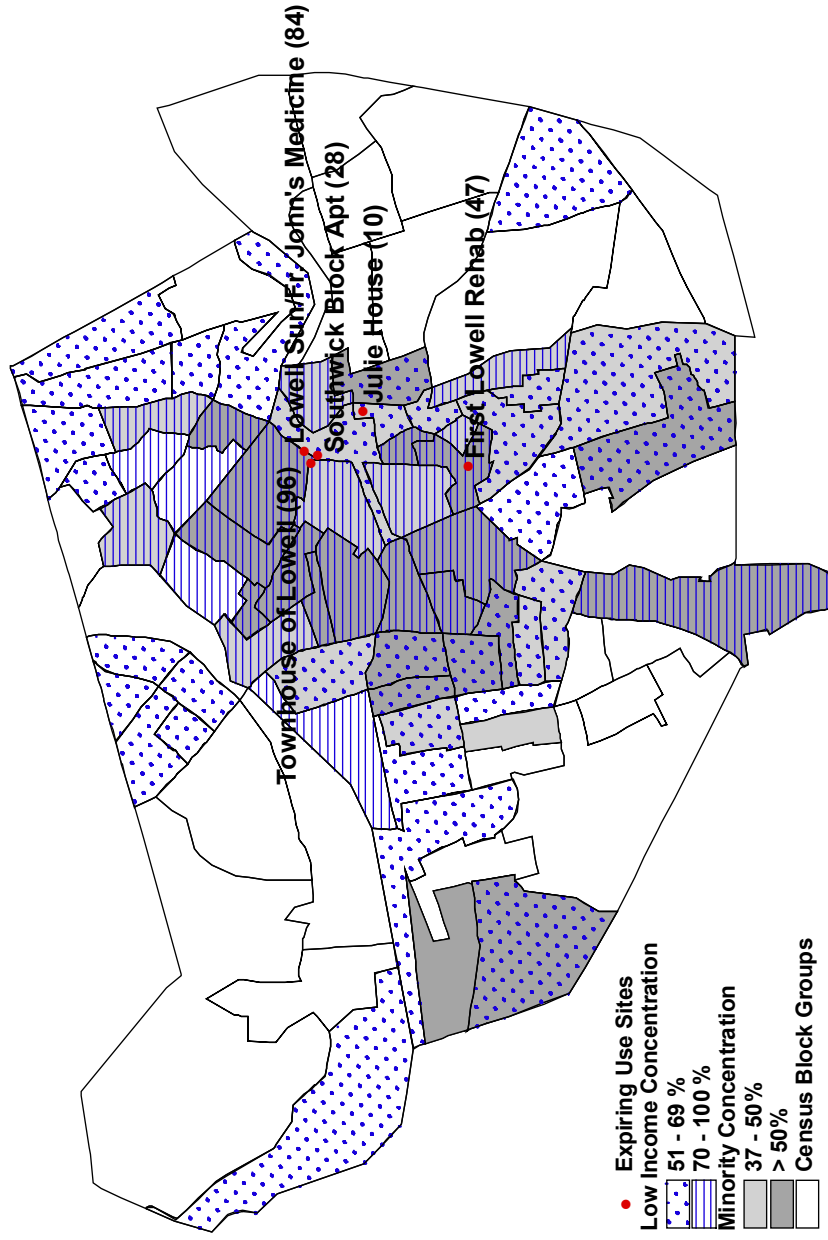
There are 10 subsidized housing developments with a total of 719 affordable housing units that are in danger of becoming market rate housing because of “expiring use” contracts. The map above shows that seven projects with 388 (54% of total) units are located “Areas of Minority Concentration” according to the criteria established in the City’s 2000 Consolidated Plan.

**Table 4-7 Expiring Use Table**

Property Name	Units at Risk -2010	Affordability Expires	Subsidizing Agency
Choices in Living	25	2008	HUD
First Lowell Rehab	47	2005	
Julie House	10	2009	HUD
Lowell Sun/Fr. John's Medicine	84	2007	HUD
Mazur Park Apartments	50	2008	
Sect 8 Mod Rehab	20	2005	DHCD

Southwick Block Apts.	28	2006	<b>HUD</b>
Townhouse of Lowell	96	2005	<b>HUD</b>

**Map 4-3: Location of Expiring Use Sites relative to Areas of Minority Concentration**



## 5. Property Tax Policies

The City of Lowell has only two tax rates, one for residential property (including income properties) and one for commercial property. For FY2005 the residential rate is \$10.18 per thousand, the commercial rate is \$20.20 per thousand. The residential rate is applied to all properties city-wide regardless of location, value, number of units, owner-occupancy, etc.

Valuations are set separately for land and for the buildings/structures on the property then combined to set annual tax bills. Land values are set based on 36 distinct areas of the city, which are defined by consistent lot sizes and market values of property.

Both the market approach and the income approach are used to determine value. The market approach is used more often for 1-3 family residences because more comparables are available for these types of properties. The income approach is used more often for larger complexes because there are fewer reliable comps and more often these buildings are income-generators for the owners. Both approaches are used in some cases to establish parity between the two approaches and insure that all properties are being assessed equally and fairly.

The City of Lowell Assessor's Office also administers real estate tax exemption and abatement programs as allowed under Massachusetts law. Generally, abatements are available through an appeal process to those who believe the properties are overvalued. Exemptions to real estate taxes are governed under strict Massachusetts' law, and are offered to persons fulfilling the requirements of any one, or more, of the following six (6) categories:

Blind  
Veteran with a service connected disability  
Surviving Spouse  
Minor Child of Deceased Parent  
Senior Citizen, Age 70 or older  
Hardship<sup>1</sup>.

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<sup>1</sup> "Hardship" is fairly rigidly defined by statute and interpretations offered by Massachusetts Department of Revenue. Current interpretations of the legal definition of "hardship" as a basis for tax exemption involve meeting 3 threshold criteria. "so aged (1), so informed (2), or so poverty stricken (3)...." Most current legal opinions, including those offered by Legal Department of City & Town Property Tax Bureau, suggest that persons under 60 years of age, no matter how infirm or poverty stricken, cannot meet the legal requirements for a hardship exemption.

## **6. Planning and Zoning Boards**

The Zoning Board of Appeals (ZBA) is made up of five members and two alternate members, who are appointed by the City Manager and confirmed by the City Council. Their terms of service are two or four years at the City Manager's discretion at the time of appointment. The current ZBA includes four male members, one female member, and two male alternates. One member is of Cambodian descent and the Chairman is Armenian.

The Planning Board is made up of five members who are appointed to five-year terms by the City Manager and confirmed by the City Council. The current Planning Board includes five men, all of European ancestry.

The Conservation Commission membership includes 7 members with six men and one woman. All are white.

The lack of diversity of membership on the Planning and Zoning Boards resulted in Impediment #6 in 2001. There appears to have been little effort to diversify the membership of these two boards and as a result, the impediment will remain in effect. See section 6 for more details.

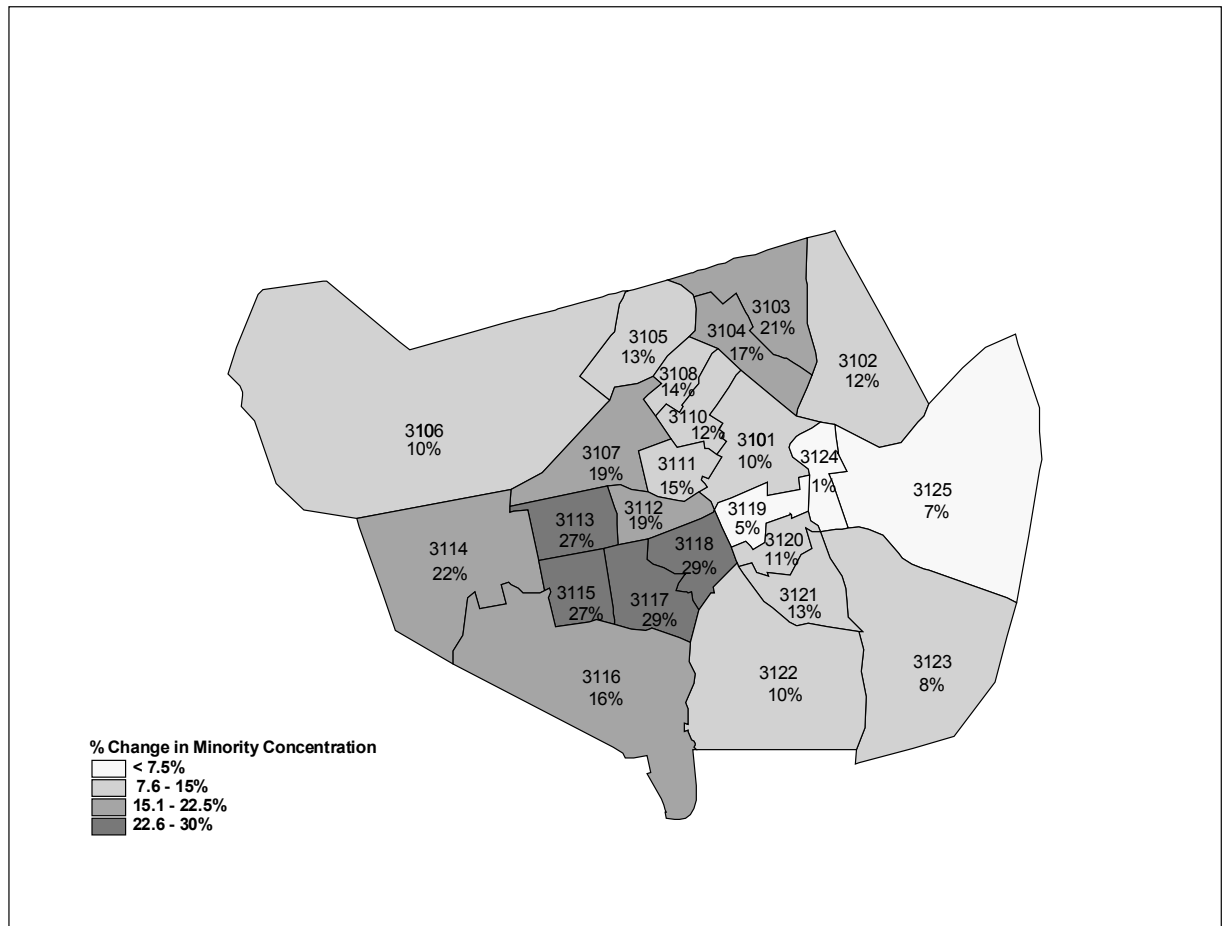
## **7. Building codes**

The Lowell Inspectional Services Department has adopted the Architectural Accessibility Barrier Standard as required by the State of Massachusetts. These guidelines are stricter than those required by the Americans with Disabilities Act requirements. The regulations apply to new construction and any rehabilitation in access of 30% of the assessed value of the property.

## **8. Concentration of Subsidized Housing in Central Lowell**

Minorities live in all neighborhoods in the City but are primarily concentrated in the lower per capita income census tracts in Central Lowell and the Downtown. 60% of the total, or 1200, public housing units are located in these Census Tracts. The 2000 Census shows that minority concentrations in this area of Lowell have increased from 1990 to 2000. See Map 4-4 for the percent increases in these neighborhoods from 1990-2000.

**Map 4-4: Percent Change in Minority Concentration by Census Tract (1990-2000)**



The issue was identified in 2001 as Impediment #2. The concentration of subsidized housing within the census tracts located in Central Lowell is an impediment that limits the housing options of low income minority to areas of low income and minority concentrations. See Impediment #2 in Chapter 6 for action to be undertaken to address this impediment.

The City undertook the development of a comprehensive master plan that addressed this impediment by presenting findings and recommendations that will assist in reducing the concentration of subsidized housing in Lowell. The Master Plan details a 20-year housing strategy based on feedback received through community-based planning efforts, such as focus groups and surveys, and an extensive data collection and research phase. Included in the Master plan are several recommendations concerning the decentralization of low income housing in the central block groups in Lowell in order to discourage the continuation of clusters of poverty including:

- Housing for very low and low-income families should be distributed in lower density, smaller structures.
- Adopt an inclusionary zoning provision that requires large-scale projects in census tracts with low minority concentrations to commit a small percentage of units to permanent affordable housing.
- Lowell and its neighboring towns should commit to expanding the supply of affordable housing at a range of income levels to stabilize the regional housing market.
- Support efforts to promote increased market-rate housing development in areas where the concentration of subsidized housing causes an imbalance or concentration of poverty.

The City of Lowell's new Zoning Ordinance, which includes all new amendments through December 2003, strongly encourages market rate residential development in the Downtown area. An increased emphasis on mixed income housing in the Downtown area will help to increase the overall housing stock in Lowell. In addition, the Planned Residential Development regulations allow for greater density when creating public or common open space.

Since 2000, the City of Lowell has made a concerted effort to deconcentrate poverty clusters and minority concentrations in the lower per capita income census tracts in Central Lowell. With an updated Master Plan, Lowell was able to develop public policy to guide private sector building activity. Since 2000 in the Downtown census tracts, 396 new units have been built and occupied, 358 have received building permits and are under construction, and 299 more are currently working through the permitting process for a total of 1053. In 2000, according to the 2000 U.S. Census, there were 3260 total units in the same block group. When the additional units are completed, there will be a 25% percent increase in the number of housing units in this area and they will be mostly market rate. The addition of these predominantly market rate units contribute significantly to the deconcentration of the existing conditions of poverty and minority concentrations. Map 4-5 illustrates where these units are located in relation to areas of minority and low to moderate concentrations.

The robust housing and condo market also played a major role in the successful development of market rate housing in downtown Lowell. If the economy slows down, concerns about previous disinvestment must be addressed in order that the success of the last five years does not come to a stop or reverse. The establishment of a solid middle class in these areas with a safe and active downtown will hopefully stabilized this area for the long term. The majority of these units has been sold or will sell for the market rate.

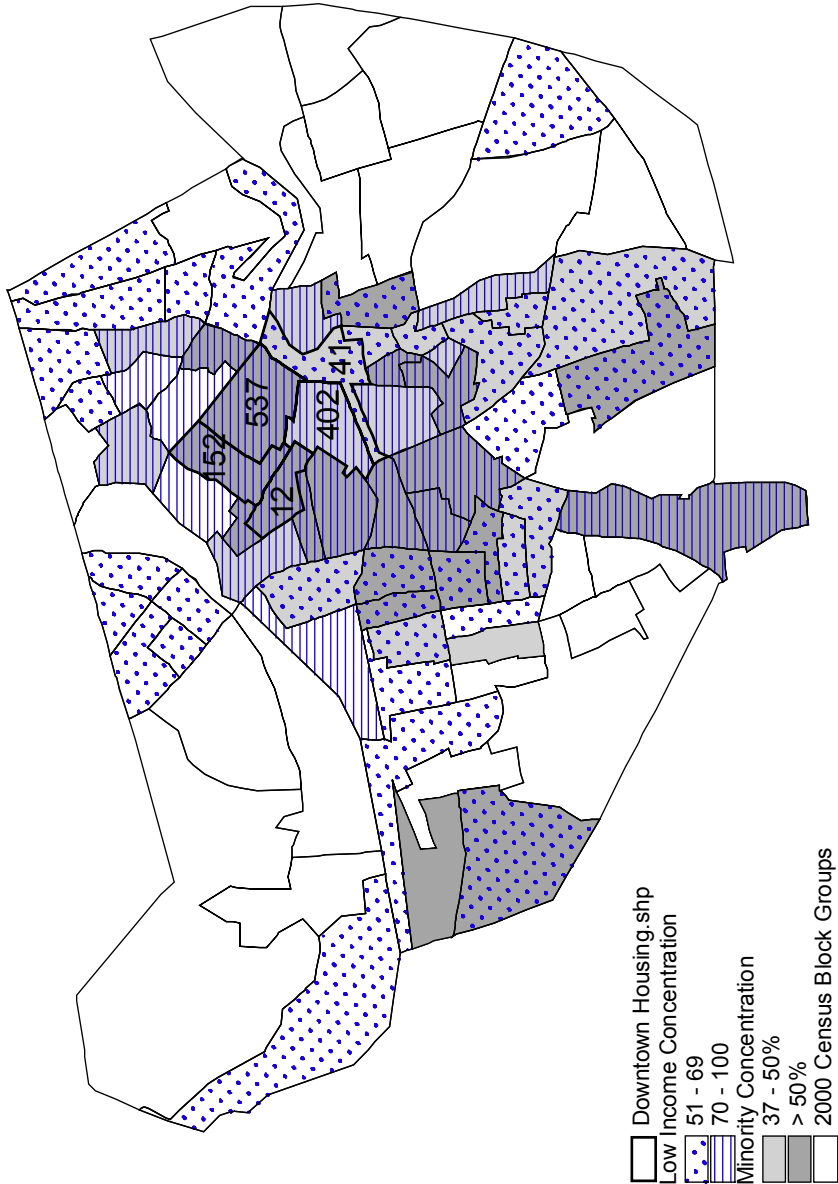
The Jackson Appleton Middlesex Urban Revitalization Plan and the Acre Revitalization Plan are two downtown neighborhood revitalization strategies. The Acre Plan includes over 300 units of which 60% will be sold at the market rate. The subsidized units are a combination of low density new construction infill



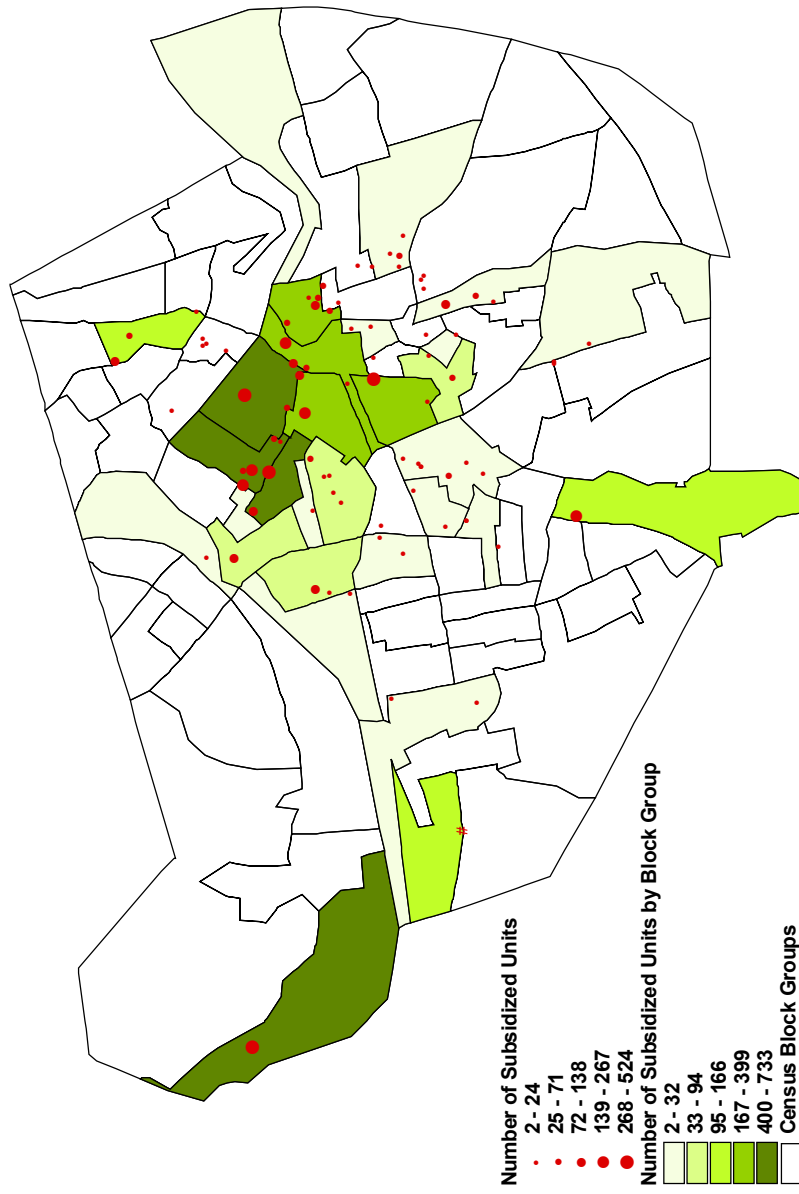
housing and substantial rehabs of abandoned buildings. The JAM Plan is currently being revised to include a substantial market rate housing component that will further reduce the over-concentration of subsidized housing in Downtown Lowell through the addition of new units without the displacement of existing subsidized residents. Each revitalization strategy has housing goals and/or economic development/job creation goals. In addition to affordable housing, each plan includes economic incentives developments including a new 600-student middle school and street and infrastructure improvements. Anti-displacement and Relocation Plans for both Strategies have been undertaken and are attached.

The City has made substantial effort in addressing Impediment #2 especially the deconcentration of subsidized housing in the Downtown census tracts. The second part of the Impediment addressed the development of low income housing in the census tracts with lower minority concentrations located primarily on the outskirts of the City. The Master Plan outlines recommendations to achieve this goal. In order to make progress on the second aspect of this Impediment, the following recommendation will be included on the list of Impediments in Section 6 as a Recommendation # 4. The actions taken to achieve the recommendations outlined in the Master Plan above need to be monitored and reported on in the Consolidated Action Plan and Evaluation Report (CAPER)

**Map 4-5: Downtown Housing Development since 2000**



**Map 4-6: Lowell Subsidized Housing Relative to Areas of Low-Income & Minority Concentration**



*Highlighted sections below have not yet been revised from the 2001 City of Lowell AI.*

## **B. Private Sector**

### **HMDA Data Analysis**

To determine if there are “*banking and insurance policies pertaining to the financing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice within the jurisdiction,*”<sup>2</sup> the City performed an analysis of 2003 Home Mortgage Disclosure Act (HMDA) data for the eleven communities that are part of the U.S. census Lowell Metropolitan Statistical Area (MSA) 4560. The Home Mortgage Disclosure Act (HMDA) of the Federal government requires lending institutions to make annual public disclosures of their home mortgage and home improvement lending activity. These public disclosures are summarized by the Federal Financial Institutions Examination Council (FFIEC) and made available to the public on the FFIEC website, <http://www.ffiec.gov/default.htm>.

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<sup>2</sup> HUD FHEO Fair Housing Guide pg 4-7

## C. Public and Private Sector

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### Visitability in Housing

“HUD endorses the “visitability” concept, which is a voluntary standard promoted by the Department in 2 and 3 family new construction and existing structures. Visitability means that:

- (1) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and
- (2) the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

Visitability allows mobility-impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between “visitability” and “accessibility” is that accessibility requires that all features of a dwelling unit be made accessible for mobility-impaired persons. A visitable home provides less accessibility than an accessible home, and is meant to be those units not required to be accessible.”

The DPD lacks guidelines regarding visitability/accessibility that go beyond what is required by the basic “handicapped accessibility” laws for CDBG and HOME funded residential development of more than four units. This guideline would affect new construction of private residential developments and rehabs of 3 or fewer units. The City of Lowell has no such standard other than what is required by Massachusetts Building codes. This omission is outlined as Recommendation #1.

## **V. ASSESSMENT OF CURRENT PUBLIC AND PRIVATE FAIR HOUSING PROGRAMS AND ACTIVITIES IN THE JURISDICTION**

Until recently, the City of Lowell did not have a Fair Housing Program. Members of the Lowell Hunger Homeless Commission at the March 7, 2001 Public Hearing and at the March 12th public hearing made the following comments regarding the lack of fair housing information and advocacy:

- City is not providing information on tenant rights
- Lack of bilingual services for tenant landlord disputes
- Lack of bilingual assistance for those with language barriers
- Lack of available bilingual reading material regarding tenant rights etc.
- Landlords put messages on phone answering machines “Will not accept section 8”
- Elderly tenants do not know their rights! (Especially with regards to intimidation)
- No enforcement
- Tenants do not know their rights. There is a lack of knowledge on tenants part on how to address discriminatory practices
- Lack of Enforcement of Tenant Rights gives the landlords permission to continue on intimidating and discriminating!

In 2002, a city employee was hired to provide fair housing information if needed but the majority of responsibilities included housing search and advocacy. During the last Consolidated Planning round of funding, CDBG funds were allocated to Community Teamwork Inc. (CTI) to partially subsidize a program to address the lack of a fair housing entity. CTI is a large, well established, multi-service not-for-profit housing provider founded in 1965. It’s mission is to assist low-income people to become self sufficient, to alleviate the effects of poverty, and to assist low-income people in participating in the decisions that affect their lives.

Under CTI’s umbrella, fair housing services should be much more accessible to protected classes. As a community based organization, CTI serves and knows the community well. The agency provides programs ranging from childcare and family life to housing and homeless services including shelters, homeless prevention, advocacy and educational programs. Translation services are also available.

CTI is using CDBG funding to add a Fair Housing Advocate/Educator position to their Consumer Education Program. CTI is in the process of developing a Fair Housing Program and intends to increase its services and visibility within the community by June 30, 2005. The program objectives include assisting housing consumers to overcome discrimination that would prevent them from buying or renting housing. The activities include providing information and services that will heighten awareness among housing seekers and providers of their rights and obligations under existing fair housing laws. The program will include a "Lowell Fair Housing Coalition" composed of community residents, organizations and businesses that will focus on outreach and education. “Train the Trainers” sessions and fair housing counseling will also be provided. The CTI development department will assist in grant writing to expand the services

of the program. The Fair Housing Educator/Coordinator works in conjunction with the Housing Consumer Education Center and provides administrative support to all existing local commissions and coalitions focusing on housing issues. In addition, about one-third of the responsibilities of this position are to provide emergency housing services and prevention services to residents of Lowell.

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

Lowell is a city that values diversity. It has been and is becoming an increasingly diverse city with a wide range of different ethnic and racial groups. According to the U.S. Census, the minority population in Lowell has increased from 23% in 1990 to 37.5% in 2000. This reflects a 66% increase since 1990. Generally the growth of the minority population has been distributed throughout the city. In 2000, the highest percentage increases were generally found in the perimeter census tracts of the city. Lowell enjoys a healthy economy and is able to employ 92.6 percent of its workforce. As with most communities, housing its low-income residents remains a challenge. The problem is especially acute for very low-income minorities families.

The City of Lowell has made outstanding progress on most of the 2001 Impediments. Several will no longer be impediments in the 2005 Analysis of Impediments to Fair Housing Choice. Several of the impediments have been alleviated through policy and guidelines as set forth in the City of Lowell Comprehensive Master Plan and subsequent rezoning plan. Policy and recommendations have been included to guide future development of the city in a manner that will improve the quality of life for all of the residents of Lowell. The Master Plan has analyzed the issue of clusters of poverty housing in the downtown census tracts that have resulted from years of historical housing patterns and obsolete zoning policy that has not kept up with unique needs of urban downtown areas. The new zoning map balances the on going redevelopment of the city's urban fabric with the housing and other needs of low income families and new immigrants.

Evaluating fair housing concerns is a complex issue involving diverse and wide-ranging considerations. The role of economics, historical housing patterns, and personal choice are important to consider when examining Fair Housing choice. The decision of where to live depends largely on income. The economics of the marketplace limits the availability of housing to households with limited income and may lead to the concentration of minority groups in certain neighborhoods with more affordable apartments. Related to income is the substantial role that historical housing patterns and zoning play in housing choice. Block groups in downtown Lowell are primarily made up of larger multi family stock, whereas the outer neighborhoods tend to have fewer multi family rental properties and many more single-family residences. Personal choice is an important consideration in the examination of Fair Housing issues. Every household regardless of race, disability, or other characteristic is free to choose where to reside. Ethnic groups may prefer to live in neighborhoods where they may have family and purchase goods from ethnic markets.

While economics, historical housing patterns, and personal choice are important considerations, the purpose of the Fair Housing laws extend beyond these basic issues to consider discrimination reflected within the housing delivery system. The impediments identified below are based on the principle that each household has the opportunity to make a personal housing choice that is within their economic means.

This section will summarize impediments discussed in previous sections, will evaluate progress made on 2001 Impediments, and will recommend additional actions to reduce or prevent them. The impediments will include "any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the



availability of housing choice. The actions are based in part on recommendations from the community through public hearings and written comments received by the Lowell Division of Planning and Development.

## **2001 Impediments and Actions from the Analysis of Impediments to Fair Housing Choice and 2005 Evaluation of Impediments**

### **Impediment #1: Lack of Fair Housing Agency**

The lack of a coordinating entity to perform fair housing enforcement, education, advocacy, and monitoring in Lowell has the effect of creating an impediment to fair housing. Comments from community resource agencies who participated in Fair Housing public hearings and the results of the fair housing survey, made it apparent that there is discrimination in rental practices against minorities, households with children and families with subsidized income or rental vouchers. Impediment #12 and 13 of the 1997 AI also identified discriminatory real estate practices and the lack of education about one's fair housing rights as impediments. The low number of Massachusetts Commission Against Discrimination (MCAD) housing discrimination cases does not suggest that there is a minimal level of housing discrimination in Lowell; more likely it reveals that victims of discrimination are unable to register a complaints because there is no place to file in the jurisdiction and they may not have the time or transportation to travel to, or knowledge of, the Massachusetts Commission Against Discrimination in Downtown Boston, or they are unaware of their housing rights.

#### **Actions To Be Taken To Address This Impediment:**

A local Fair Housing program needs be established in Lowell to educate consumers and housing suppliers about fair housing rights, and to monitor and enforce fair housing laws. Sufficient funds must be appropriated to fund it. The MCAD should be consulted for information about starting a program. Ideally, Fair Housing programs need to be added to existing neighborhood organizations that understand the needs and speak the languages of their constituents. Providing more Fair Housing education and outreach through community-wide educational events will help residents develop an increased understanding of their rights under the law and the many forms of discrimination. The establishment of a local fair housing program will make it easier for residents to file a complaint if they believe that they have been victims of discrimination.

A City's Housing Advocate or other city official needs to work with the neighborhood groups to develop and seek funding for Fair Housing Programs. The HUD Office of Fair Housing and Equal Opportunity has a variety of funding programs available to cities that wish to create a fair housing program. HUD allows CDBG funds, from either the administrative or program line items, to directly fund fair housing enforcement and education efforts.

Opportunities to market and educate fair housing to city residents such as Fair Housing month should be co- sponsored by the City of Lowell and the Lowell Housing Authority to demonstrate that Lowell does "affirmatively further fair housing." These types of activities can encourage and educate people to report housing discrimination. In addition, MCAD provides speakers for these types of events.

In order to monitor discrimination in fair housing, a hotline or similar method needs be developed to track discrimination incidents. The hotline could be used as a database to establish whether certain landlords or banks have a pattern of discriminating. If patterns are apparent, the City needs to require education or engage in “testing”. Testing program pairs similarly profiled buyers and renters, with the exception of race, to make contact with brokers, landlords and bankers.

## **EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #1**

The City of Lowell has made very good progress on addressing the lack of a fair housing entity or program since 2001. CDBG funds were allocated to partially subsidize a program to address the lack of a fair housing entity. The position was originally a city employee, who worked in the Department of Planning and Development. Within the last year, the fair housing function has been subcontracted to Community Teamwork Inc., (CTI) a large multi-service not-for-profit housing provider. Under CTI’s umbrella, fair housing services should be much more accessible to protected classes. CTI has used the funds to hire a Fair Housing Advocate/Educator position that works within the Consumer Education Program. The program objectives with regards to fair housing are to assist housing consumers to overcome discrimination that would prevent them from buying or renting housing. The activities include providing information and services that will heighten awareness among housing seekers and providers of their rights and obligations under existing fair housing laws. In addition, the Fair Housing coordinator will work in conjunction with the Housing Consumer Education Center and all existing local commissions and coalitions focusing on housing issues to help identify the housing resources available to the residents of Lowell.

It appears that CTI is in the process of developing the Fair Housing Program and intends to increase the services and visibility within the community by June 30, 2005. The program will include a "Lowell Fair Housing Coalition" composed of community residents, organizations and businesses that will focus on outreach and education. Train the Trainers" sessions and fair housing counseling will also be provided. The CTI development department will assist in grant writing to further fund Fair Housing work.

The concern is that the fair housing component of the Consumer Education Program with only one employee whose responsibilities also include assisting low-income families to find affordable housing and staffing boards and commissions may not have the time to develop a fair housing program that includes education, monitoring and enforcement, and seeking additional funds for these activities. It appears that over one-third to one-half of the hours for this position include general housing advocacy/ staffing non fair housing related boards and commissions? It is strongly recommended that current funds available for this position be leveraged to seek additional fair housing initiative funds so that a more solid Fair Housing Program with sufficient staffing and other resources can be established. In addition, is not clear whether this program can proceed without the current financial support of the City of Lowell.

## **ADDITIONAL ACTIONS NEEDED TO ADDRESS IMPEDIMENT #1**

Impediment #1 will remain as an Impediment on the 2005 AI to insure that the progress to date is enhanced and that a fair housing program that includes education and counseling and monitoring and enforcement are established as planned. An end of the year evaluation of CTI’s Fair Housing Program needs to be performed to assess the following:

- Have existing financial resources been renewed?
- Have additional funds been accessed?
- What additional fair housing activities have been added to the program?
- How many local agencies have been trained in fair housing?
- Is the staffing/activity level sufficient to implement new activities proposed for this program?
- Has the Fair Housing Coalition been developed? How often do they meet? What is their action plan?

### **Impediment #2: Concentration of subsidized housing in small geographic area**

Minorities live in all neighborhoods in the City but are primarily concentrated in the lower per capita income census tracts in Central Lowell. 60% of all, or 1200, public housing units are located in these Census Tracts. 1500 state/federal subsidized housing developments and 40% of all Section 8 certificate holders are also located within these Census tracts. The 2000 Census is evidence that minority concentrations in these areas of Lowell have increased from 1990 to 2000. This concentration may be a result of economics, historical housing patterns and/or personal choice. Some of it, however, may be due to past discrimination by real estate and banking professionals, past public policy decisions about location of public investment, large-scale subsidized housing site selection decisions, and other publicly initiated projects. Historical policies and actions regarding siting of public housing locations in the 1950's, urban renewal in the 1960's, no risk federally subsidized mortgage lending decisions made in the banking industry, targeting of federal funds to housing in the suburbs, and neighborhood disinvestment that led to the Community Reinvestment Act of the 1970's transformed inner city neighborhoods throughout the U. S. The concentration of low-income minorities in Central Lowell may also be due, as reported by community resource providers, to private sector discrimination by property owners.

### **Actions To Be Taken To Address This Impediment:**

An affordable housing strategy needs be developed as part of the Lowell's next comprehensive long range plan. It must include guidelines for siting new subsidized housing developments and other scattered site initiatives over a certain number of units. In order to encourage affordable housing development within the areas set forth, financial incentives and relaxed zoning regulations need to be examined. The guidelines should be based on a subsidized housing impact analysis of the city that considers factors such as the number of current subsidized and Section 8 units in a block group, and that identify areas for expansion so that existing areas of minority and low income concentration are not unduly strained beyond their limits to serve these populations. The guidelines need to provide resources and incentives for private and non profit developers wishing to develop affordable housing. Financial incentives might include prioritization for HOME and CDBG funds and tax incentives. Incentives might also include creation of mixed income developments.

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #2**

The City of Lowell has made a concerted effort to deconcentrate poverty clusters and minority concentrations in the lower per capita income census tracts in Central Lowell. Since 2000 in the Downtown census tracts, 396 new units have been built and occupied, 358 have received building permits and are under construction, and 299 more are currently working through the permitting process for a total of 1053. In 2000, according to the 2000 U.S. Census, there were 3260 total units in the same block groups. When the additional units are completed, there will be a 25% percent increase in the number of housing units in this area and they will be mostly market rate. The addition of these predominantly market rate units contribute significantly to the deconcentration of the existing conditions of poverty and minority concentrations. Map 4-5 illustrates where these units are located in relation to areas of minority and low to moderate concentrations. The majority of these units has been sold or will sell for the market rate.

The City undertook the development of a comprehensive master plan that addresses this impediment by presenting findings and recommendations that will assist in reducing the concentration of subsidized housing in Lowell. The Master Plan details a 20-year housing strategy based on feedback received through community-based planning efforts, such as focus groups and surveys, and an extensive data collection and research phase. Included in the Master plan are several recommendations concerning the decentralization of low income housing in the central block groups in Lowell in order to discourage the continuation of clusters of poverty including:

- Housing for very low and low-income families should be distributed in lower density, smaller structures.
- Adopt an inclusionary zoning provision that requires large-scale projects in census tracts with low minority concentrations to commit a small percentage of units to permanent affordable housing.
- Lowell and its neighboring towns should commit to expanding the supply of affordable housing at a range of income levels to stabilize the regional housing market.
- Support efforts to promote increased market-rate housing development in areas where the concentration of subsidized housing causes an imbalance or concentration of poverty.

The City of Lowell's new Zoning Ordinance, which includes all new amendments through December 2003, strongly encourages market rate residential development in the Downtown area. An increased emphasis on mixed income housing in the Downtown area will help to increase the overall housing stock in Lowell. In addition, the Planned Residential Development regulations allow for greater density when creating public or common open space.

The robust housing and condo market also played a major role in the successful development of market rate housing in downtown Lowell. If the economy slows down, concerns about previous disinvestment must be addressed in order that the success of the last five years does not come to a stop or reverse. The establishment of a solid middle class in these areas with a safe and active downtown will hopefully stabilized this area for the long term. The majority of these units has been sold or will sell for the market rate.

## **ADDITIONAL ACTIONS NEEDED TO ADDRESS IMPEDIMENT #2**

The City has made substantial effort in addressing Impediment #2: Concentration of subsidized housing in small geographic area especially the deconcentration of subsidized housing in the Downtown census tracts. The second part of the Impediment addressed the development of low income housing in the census tracts with lower minority concentrations located primarily on the outskirts of the City. The Master Plan outlines recommendations to achieve this goal. The actions taken to achieve the recommendations outlined in the Master Plan above need to be monitored and reported on in the Consolidated Action Plan and Evaluation Report (CAPER).

### **2005 Recommendation to Address the Concentration of subsidized housing in small geographic area**

In order to make progress on the second aspect of this Impediment #2, a recommendation will be added to ensure that a commitment to developing affordable housing in the non-urban sections of the City is implemented. Recommendation #XX. is that the recommendations from the Master are implemented on all new residential developments over XX units proposed for traditional and suburban zones.

### **Impediment #3 –Possible Lack of geographic options for minorities being relocated from the Julian D. Steele Housing Development**

The relocation of 180 JDS households requires the use of other LHA sites or S8 rental assistance, depending upon the preference of the JDS tenant. The analysis in section IV shows that a possible impediment exists only for those tenants that choose to relocate to other LHA sites. The relocation of JDS residents to public housing units in “Areas of Minority Concentration”, as defined by the Consolidated Plan will be considered an impediment only if there are “involuntary” relocations of tenants because the LHA is unable to provide an option that would give the JDS tenant an acceptable geographic choice. The “Areas of Minority Concentration” a designation used by the City to define block groups with a minority population greater than 37.3%. It was established by selecting the highest quartile block groups of minority concentration.

76 JDS residents have indicated a preference for other LHA public housing units. There are 682 family units appropriate for these 76 residents. 320 family units are located at the North Common Public Housing Development, the LHA’s largest development. North Common is located in a block group that has a very high minority concentration of 59%. The LHA George Flanagan development with 166 units is the next largest family development and is located in a block group with a minority concentration of 41%. Both sites are located in “Areas of Minority Concentration.” The remaining LHA family units are located in smaller, scattered site locations with 26 units or less.

As discussed in Section IV, there will be about 50 JDS residents that will be presented with the choice of moving to an “Area of Minority Concentration.” The impediment exists only if the JDS tenant declines another LHA unit offered to them and there are not adequate options open to them. In terms of housing options, any site located in a block group with a 10% lower relative minority concentration than the block group in which the JDS housing development is located, would be considered adequate choice.

**Actions To Be Taken To Address This Impediment:**

The primary action that must be taken is to monitor the relocation of JDS residents to insure that they have been provided with adequate housing options. The LHA anticipates that all JDS tenants will be relocated by June 2001 and that the construction of 81 affordable housing units on the existing JDS site will be complete by 2004. The following steps must be taken:

1. The LHA will provide the City with a “Relocation Status Report” for the next three years that will be included in the City’s HUD Consolidated Annual Performance Report (CAPER) released on September 15 of each year. The LHA report will list all relocations including those that were “involuntary” and the options presented to the tenant. The CAPER will be used to identify and verify possible Impediments to Affordable Housing Choice and the actions taken to correct them.
2. JDS tenants will be given preference to units that will become available at the George Flanagan and other LHA sites that have a minority population at least 10% less than the 54% minority population for Julian Steele block group identified in the 1990 census.
3. The City will update the definition of “Areas of Minority Concentration” with 2000 census block group data as soon as it becomes available and analyze the impact that JDS relocated minorities have on block groups once the relocation has been completed.
4. Make the 45 new subsidized units to be constructed at the JDS site available to original JDS tenants that have been involuntarily relocated as the new units become available. The LHA will maintain a master list of current JDS tenants and their current addresses for 3 years to accomplish this.
5. The LHA will make available S8 rental assistance certificates to all JDS tenants who desire to change their housing preference from “other LHA sites” to “Rental Assistance.” In addition, the LHA will seek to obtain permission for the highest possible FMR (120% or above) to increase the possible geographic options open to JDS tenants.

**2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #3**

The Lowell Housing Authority has reported that all Julian Steele (JDS) residents were relocated to housing of their choice without incident. The LHA gave Julian Steele residents several options, and each household freely selected another location in Lowell or moved out of the City. Those that relocated to areas of minority concentration did so by choice. All of the actions from the 2001 AI have been completed.

JDS residents were given a choice to relocate to other LHA sites or receive a section 8 Certificate. This choice has provided residents of the former JDS public housing development to move to the location of their choice as long as the rent fell within the yearly Fair Market Rents as determined by HUD. The final relocation choices correspond to the original survey preferences of 180 residents, conducted by Residents First Development Corporation, to determine housing preferences. Nineteen residents expressed a desire to move back the reinvented JDS site, known as Concord Meadows. When the Concord Meadow development at the former JDS site is

completed, all relocated residents have an LHA preference to move back. Presently, residents also have the option of moving to replication units described in Section IV as they continue to be completed if they are unhappy with their current homes.

While many of the tenants have moved to locations with higher minority concentrations than the Julian D. Steele public housing development, it should be noted that minority populations have increased all over the city.

Impediment #3, from the 2001 Analysis to Impediment to Fair Housing Choice, was included to ensure that all residents would be relocated based on a choice of options. As there were no involuntary relocations of residents, housing choices were upheld, and all of the actions from the 2001 AI have been completed, Impediment #3 from 2001 will be removed.

#### **Impediment #4: Minorities on LHA Waiting List**

All families with children that are on the LHA waiting list for either an LHA housing unit or LHA managed Section 8 voucher will be disproportionately affected because 180 JDS residents will be placed at the head of the waiting lists for LHA family units and Section 8 vouchers. Of the 2,405 on the LHA waiting list, there are 816 large family households waiting for units with 3 to 5 bedrooms. 81% of these households are minorities. The waiting period for a family before an LHA unit becomes available is two years for 2 to 5 bedroom units. The LHA estimates that the relocation of JDS households will increase the wait by about one year.

It must be noted that the HUD public policy of deconcentrating poverty by the development of mixed income housing on existing troubled public housing sites results in increasing waiting lists. This is an unavoidable outcome due to the temporary relocation of tenants during the construction period.

#### **Actions To Be Taken To Address This Impediment:**

This is a temporary impediment that will be resolved when the subsidized housing inventory, including rental vouchers, is at the same level as before the demolition of Julian D. Steele. To resolve this temporary impediment, the LHA and the City must provide at least 180 units of subsidized housing or new rental assistance vouchers to offset the loss of JDS units over the next five years. This will be accomplished as follows:

\$600,000 in annual funds that will be allotted by DHCD to the LHA for rental vouchers will be used in combination with HOME funds to make 157 of the City's 220 JDS Replication Plan units affordable to rental households at 50% of the Area Median Income (AMI). Because these rental vouchers will be project based and attached to new or rehabilitated units their impact on the waiting list will not be immediate but will be phased in over a five year period as shown in the table below:

#### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #4**

The issue of very long public housing and rental voucher waiting lists continues to be an issue, not just Lowell but, for cities nation-wide especially in Massachusetts which has one of the highest cost of living rates in the country. This lack of affordable housing options is well

documented in the 2005 City of Lowell Five Year Consolidated Plan, as well as strategies that Lowell is undertaking to ameliorate the barriers to affordable housing.

The Lowell Housing Authority waiting list for public housing has increased from 2,405 in 2001 to 8,005 today. This represents a 43% increase. The wait list for Section 8 Vouchers has decreased and it is likely that the Section 8 waiting list will open soon. Minorities make up a majority of the families on the waiting list. Currently, minorities make up 63% of the list. The increase in minorities from 2001 to 2005 has only increased by 3%. The percent of minorities on the list has remained stable..

The relocation of 180 JDS tenants was completed by 2002. Additional vouchers were obtained to alleviate the decommissioning of the JDS units. The JDS relocation, therefore, has no effect on the waiting list at this point. The increase is due to a nationwide freeze on rental vouchers and a severe shortage of affordable housing options throughout the state.

Impediment #4, from the 2001 Analysis to Impediment to Fair Housing Choice, was included as a temporary impediment and has been resolved now that all JDS residents have been relocated since 2002. Impediment #4 from 2001 will be removed.

**Table 6-1: Waiting List Increases and Minority percents**

	2001		2004		2005	
	Total	Minority %	Total	Minority %	Total	Minority %
Public Housing	2,405	60	5,905	63%	8,005	63%
Section 8	921	Unknown	332	58%	213	66%

#### **Impediment #5: Shortage of 3&4 Bedroom Units for families with children**

As identified in the 1997 AI, Families with Children face a shortage of 3 & 4 bedroom units. University of Massachusetts/Lowell students who rent large off campus apartments intensify this impediment. University of Massachusetts/Lowell is not keeping up with on campus housing at a rate that keeps up with increasing enrollments. Students are renting many of the larger rental units limiting the supply of units available to larger families.

#### **Actions To Be Taken To Address This Impediment:**

University of Massachusetts/Lowell will need to work cooperatively with the city as a Comprehensive Affordable Strategy is developed. Resources will need to be committed and policy developed to alleviate the burden that large low income families, a majority of whom are minorities, to find appropriate sized apartments.

The development of larger units should be encouraged by the private sector with financial and zoning incentives, and to the non-profit sector with incentives such as CDBG and HOME funding preferences.



## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #5**

The city has recently created a new Institutional (INST) zoning district that encourages the construction of off-campus higher density student housing in locations near the campus thereby encouraging the private market to reduce the student rental housing pressures on the surrounding neighborhoods. The INST provides for much higher permitted residential densities and lower parking requirements for student housing than were available under the zoning districts near the campus prior to December 2004. Several developers have expressed interest in creating student housing in this district. In addition, the University of Massachusetts/Lowell contributes to lessening the pressures of their students on the housing market in the neighborhoods by keeping on campus housing costs below market levels which encourages students to stay on campus when possible.

Although larger unit housing has been built by affordable housing developers, there are no policies or incentives proposed to encourage the building of larger affordable homes.

Impediment #5 will remain as an Impediment on the 2005 AI until the new zoning incentives prove to be effective in attracting the developments in the Institutional zoning district. It is also recommended that the city develop a policy for use of the HOME funds to insure that a proportionate number of larger housing units are developed when distributing funds.

### **Impediment #6: Lack of racial diversity on City boards and Commissions**

There is a lack of diversity reflecting the racial and ethnic composition of the City on the zoning and planning boards. Currently there is minimal minority representation.

#### **Actions To Be Taken To Address This Impediment:**

The City needs to seek out and recruit, if needed, minority and/or disabled candidates to fill future seats on the Lowell Planning Board, Zoning Board of Appeals, Conservation Commission, and other local and regional boards.

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #6**

The City has made no progress on diversifying its board membership. The Impediment will therefore remain on the list of 2005 Impediments.

### **Impediment #7: Discrimination in rental real estate practices because of lead paint issues.**

The City's abundance of older housing stock with lead paint, in conjunction with Massachusetts Lead Paint Law, has the effect of impeding the housing options of families with young children. Many landlords are reluctant to rent to families with young children, particularly because of lead paint law issues and the high cost of compliance. (A 1992 state study found 79% of Lowell's housing stock was built before 1950).

#### **Actions To Be Taken To Address This Impediment:**

The City's Lead Abatement Department will continue to address this problem by assisting landlords with the high cost of lead abatement and aggressively accessing additional Federal and State resources. The City will continue to address the high cost of lead abatement by providing grants, deferred loans and 3% loans to investors of 4 or less units.

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS IMPEDIMENT #7**

The City of Lowell has made very good progress in deleading the older housing stock in the City. Unfortunately, 79% of Lowell's housing stock or almost 31,000 units was built before 1950 and Lowell has one of the highest rate of lead poisoning in the state. Of concern is the loss of funding from the state in the last competitive round of funding for lead abatement. Impediment #7 will remain on the 2005 AI until future funds are secured to continue the program at current levels.

### **Recommendation #1: Lack of policy regarding accessibility/visitability**

*HUD has provided the following guidelines and recommendations in their Fair Housing Guide, pg 5-31:*

"HUD endorses the "visitability" concept, which is a voluntary standard promoted by the Department in new construction and existing properties. Visitability means that:

- (3) at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and
- (4) the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space.

Visitability allows mobility-impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between "visitability" and "accessibility" is that accessibility requires that all features of a dwelling unit be made accessible for mobility-impaired persons. A visitable home provides less accessibility than an accessible home, and is meant to be those units not required to be accessible."

The DPD lacks guidelines regarding visitability/accessibility that go beyond what is required by the basic "handicapped accessibility" laws for CDBG and HOME funded residential development of more than four units. This guideline would affect new construction of private residential developments and rehabs of 4 or fewer units.

### **Possible Actions to Be Taken by the Jurisdiction**

Identify specific steps that the jurisdiction should take to promote the concept of visitability.

It is recommended that the DPD create written visitability guidelines for the following types of 1 – 4 unit projects where HOME and CDBG funds are expended.

- Incorporate the concept of visitability in all new homeownership or rental unit.
- Incorporate the concept of visitability into rehabilitation projects in which HOME and CDBG funds exceed \$20,000 per unit.

## **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS RECOMENDATION #1**

There has been no progress on incorporating the concept of visitability into and policy or building codes. Recommendation #1 will remain on the 2005 AI.

### **Recommendation #2: Lack of flexible LRTA public transportation hours**

The LRTA buses operate only to 6pm thus restricting residents without cars access to public transportation to second and third shift jobs, many of which are held by minorities. In addition, there are no translation services offered through the customer service line of the LRTA.

**Possible Actions To Be Taken To Address This Recommendation:**

A transportation usage study should be undertaken to identify evening usage by employees of large companies and their mode of transportation to and from work. If the study shows that a disproportionate number of employees rely on taxis or walk to get back and forth from jobs late at night, a strategy to extend transportation access should be integrated into the City of Lowell's Comprehensive Long Range Plan. The LRTA should hire bilingual customer service staff as many of their constituents would benefit from this service.

**2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS RECOMMENDATION #2**

This Impediment will be dismissed due to the City of Lowell has made substantial progress on overcoming the Recommendation #2 and achieving the action steps outlined in the 2001 recommendation. The progress includes the completion of the Master Plan Existing Conditions Report that included traffic volume and pattern studies and the LRTA's subsequent complete revision of their service plan that includes a bus hub at the Gallagher terminal to simplify transfers between public transportation modes as well as extended service hours for some bus routes. The City is currently preparing an application for state transit oriented development grant funds to improve the pedestrian and bicycle access and connections to the Gallagher terminal.

*Highlighted sections below have not yet been revised from the 2001 City of Lowell AI.*

**Recommendation #3: Monitor the LHA Senior Designation Plan**

The Allocation Plan for the Designation of elderly and disabled units owned by the LHA is being identified as an area of concern. The fair housing concerns include the impact on housing options at LHA sites and the availability of units for disabled populations. The May 2001 Draft Allocation Plan is summarized in the table below:

**Table 1 –1 Summary of May 2001 Draft of LHA Senior Designation Plan**

<b>Current Use</b>	<b>Designation Plan</b>		
<b>Units Available Before Designation Plan</b>	<b>Elderly Set Aside Units (75%)</b>	<b>Mixed Units (25%)</b>	<b>Wheelchair Units</b>
<b>818</b>	<b>588</b>	<b>199</b>	<b>31</b>
<b>Preference</b>	<b>Preference</b>	<b>Preference</b>	<b>Preference</b>
<b>Elderly &gt;62)</b>	<b>Elderly &gt;62</b>	<b>Elderly &gt;62</b>	<b>Disabled-any age</b>
<b>Disabled &lt;62)</b>	<b>Near Elderly (&gt;50)</b>	<b>Disabled &lt;62)</b>	
	<b>Young Disabled (&lt;50)</b>		

In the current version of the LHA Designation plan, 102 new Section 8 (S8) rental vouchers will be set aside to replace the LHA units that will be lost to the disabled population when the seniors are occupying 75% of the units. However, if the waiting list preferences remain the same as shown above, the percentage of elderly or near elderly can continue to increase with a further loss of units for the disabled. There is no provision in the plan to replace disabled units beyond

the 102 based on a 75% elderly population. As a result of this action there could be a loss of housing options available to the disabled and a clear impediment to fair housing choice would exist.

### **2005 EVALUATION OF ACTIONS TAKEN TO ADDRESS RCOMMENDATION #3**

## **VII. ATTACHMENTS**

### **A. Summary of Comments Received**

The Lowell DPD held an AI public hearing on February 23, 2005 in order to establish a community perspective on the fair housing. In addition, several written comments were sent to be included as public comment. The minutes from the public hearing are below.

### **Analysis of the Impediments to Fair Housing Choice**

#### **Public Hearing February 23, 2005**

#### **Meeting Notes**

##### **General Comments -**

- Lack of credit history and recent immigrant status is an issue for some when trying to find housing
- 2-Family, owner-occupied developments are exempt from Fair Housing regs.
- “Testing is fine. Education is more important.” – Bunroeun Thach, CALL
- Need educational materials in multi-languages (Khmer and Portuguese)
- Issue of landlords ignorant of fair housing laws (i.e. unlawful to print ads in newspapers with discriminatory language (Papers are also responsible for screening ads!))
- Mindful of advertising in several languages/newspapers catering toward speakers of other languages
- History of criminal record is not a protected class
- Testing can be conducted to determine if activities of discrimination are occurring – CTI’s goal: 24 Hr. testing turn-around on complaints – may issue temporary restraining orders against landlord/rental unit which restricts ability to rent unit to another tenant until issue resolved.

##### **Comments from Specific Groups/Agencies**

- CALL (Cambodian American League of Lowell):
  - Process for reporting acts of discrimination – education and outreach in other languages is needed (importance of local contacts familiar with language/culture)
  - Experiences with steering, especially among recent Cambodian immigrants seeking ownership units

- Eliot Presbyterian Church (Brazilian population):
  - Uncertainty – is discrimination occurring? – Sense that accents may be an issue
  - Unfamiliar with language and rental/homeownership process – need interpreters/someone to speak on behalf of tenants
- GLLA Comments:
  - Rental policies established by landlords (and testing results) – provide evidence to demonstrate that discrimination is not practiced
  - Policies may change as market dictates (standards fluctuate with market changes; i.e. high/low vacancy rates)
  - Apply same policies to all potential renters – “keep everyone on the same playing field.”
  - Sanitary codes/inspectional services can impact landlords ability to rent to families with children (i.e. # of persons per square feet is limited)
  - GLLA access to fair housing training (MCAD) – state-level training with housing authorities, attorneys, etc. regarding discrimination and fair housing practices
- Lowell House comments:
  - Experience with discrimination toward clients with a history of addiction
  - Discrimination toward clients affiliated with agencies such as Lowell House

# **Analysis of the Impediments to Fair Housing Choice**

**Public Hearing - February 23, 2005**

## **Sign In**

Name/Organization

1. Mark Goldman – 58 Oakland St.
2. Chester Briggs – Greater Lowell Landlords Association
3. Priscilla Hilliard – Greater Lowell Landlords Association
4. Bunroeun Thach – Cambodian American League of Lowell
5. Jeff Lambert – St. Anne's Episcopal Church
6. Marlene Browne – Lowell Housing Authority
7. Michael Descoteaux – Lowell House, Inc.
8. Ray Costa – Eliot Presbyterian Church

## **Speakers/Presenters**

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1. Stephanie Harrington – Affordable Housing and Community Development Consultant
2. Judy Tavano – Fair Housing Educator, Community Teamwork, Inc.
3. Adam Baacke – Deputy Director of Community/Economic Development, DPD
4. Allison Lamey – Community Development Assistant, DPD



## Merrimack Valley Housing Partnership

P.O. Box 1042 Lowell, MA 01853-1042

Tel: (978) 459-8490 Fax: (978) 459-0194 E-Mail: [mvhp1@aol.com](mailto:mvhp1@aol.com)

[www.mvhp.org](http://www.mvhp.org)

February 17, 2005

Allison Lamey  
Community Development Asst.  
Lowell Division of Planning and Development  
50 Arcand Drive  
Lowell, MA 01852

Dear Ms. Lamey:

Thank you for the invitation to attend the public hearing on February 23<sup>rd</sup> regarding the Analysis of Impediments to Fair Housing Choice report. I will not be able to attend the meeting but would like to submit my comments in writing.

The two issues that come to mind are the high cost of housing in Lowell and the growing presence of unscrupulous predatory mortgage lenders that target minorities and lower income earners.

The dramatic appreciation of home prices in this region has made home ownership more and more difficult to attain, particularly for low and moderate income earners.

Fortunately, the City of Lowell and the Lowell Development & Financial Corporation have funded and supported down payment assistance programs which have helped hundreds of first time home buyers over the years. The continued operation of these programs is key to keeping home ownership a viable option.

The second issue is more insidious. Recent lending patterns in Massachusetts show that homebuyers in cities like Lowell receive a disproportionate amount of subprime mortgage loans. This is commensurate with the larger minority and lower income populations that comprise the community. The Massachusetts Community & Banking Council recently published a study titled "Borrowing Trouble? V, Subprime Mortgage Lending in Greater Boston, 2000-2003.

There is a legitimate place for subprime mortgage lending to reflect the added risk to the investor posed by a borrower with poor credit or other factors. However, some borrowers receive subprime loans when they would qualify for conventional, market rate, loans. These loans, along with those with unreasonable costs or penalties, are classified as predatory. Efforts have been made to educate the population about these unfair practices.



Two years ago, the "Don't Borrow Trouble" consumer awareness campaign was conducted in Lowell. However, these practices need to be addressed through on-going consumer education efforts.

Thank you.

*Thanks.*

Sincerely,

*Jim Wilde*

Jim Wilde  
Executive Director

Copy to: Adam Baacke

**Kevin Ahern**

**From:** postmaster@www.lhma.org on behalf of Postmaster [postmaster@www.lhma.org]  
**Sent:** Tuesday, February 15, 2005 4:29 PM  
**To:** kahern@www.lhma.org  
**Subject:** Undeliverable Mail

Unknown host: ALAMEY@CILOWELL.MA.US

Original message follows.

Received: from DCP0M341 [64.115.86.100] by www.lhma.org with ESMTF  
(SMTPD32-8.14) id A9AB15400B4; Tue, 15 Feb 2005 16:29:15 -0500  
From: "Kevin Ahern" <kahern@www.lhma.org>  
To: <ALAMEY@CILOWELL.MA.US>  
Subject: FAIR HOUSING  
Date: Tue, 15 Feb 2005 16:25:40 -0500  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----\_NextPart\_000\_0000\_01C5137A.FD3983F0"  
X-Mailer: Microsoft Office Outlook, Build 11.0.5510  
Thread-Index: AcUTpOXnhrH3Tj1TRvC+JCpgdpF5tA==  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1165  
Message-Id: <200502151629812.SM00508@DCP0M341>

This is a multi-part message in MIME format.

-----\_NextPart\_000\_0000\_01C5137A.FD3983F0  
Content-Type: text/plain;  
charset="us-ascii"  
Content-Transfer-Encoding: 7bit

Allison:

I have worked with a number of low income people that have bought, or attempted to by low income housing. I feel the income limits and the prices of the houses at the current market just do not work. We either have to find subsidized housing or possibly a condo situation that needless to say includes a condo fee along with a mortgage. I know there are not any easy answers but possibly the City could help these people in the same way they help the elderly by giving low income people a break on their taxes under a certain income? I will be away next week on vacation or I would attend this meeting. Good luck and I look forward to the next meeting.

Kevin Ahern

Homebuyer/Planner

Lowell Housing Authority

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charset="us-ascii"  
Content-Transfer-Encoding: quoted-printable

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<head>

## **B. Fair Housing Center of Greater Boston Releases Discrimination Testing Findings for the City of Lowell**

**Background** Between June and September 2004, the Fair Housing Center conducted a study of housing discrimination against home seekers in the greater Lowell and Merrimack Valley area rental markets. The audit tested for discrimination against African American, Asian, Latinos, and families with children. The study relied on telephone and in-person testing of housing providers. In all, the Fair Housing Center conducted 66 matched pair tests at 40 locations, both real estate offices and property management offices. Overall, testing showed evidence of discrimination 31 of the 66 paired tests conducted, or 47%.

**Results specific to Lowell:** This summary shows the results of tests conducted at real estate offices and management companies with properties in the City of Lowell. Some of these tests took place at locations within Lowell proper. Others took place at management offices in neighboring towns that market properties in multiple communities, including Lowell.

The Fair Housing Center conducted a total of 26 paired tests. 15 of these tests showed evidence of discrimination. (58%)

- Latino testers experienced the highest incidence of discrimination- 80%. Of 5 pairs of Latino and white testers, 4 showed evidence of discrimination.
- 10 tests paired white and African American testers, and evidence of discrimination was found in 6 (60%).
- 6 tests paired white and Asian testers, of which 4 showed evidence of discrimination (67%).
- 4 tests for discrimination based on familial status--the presence of children--showed 1 evidence of discrimination (25%).

As with the overall test results documented throughout the region, differences in treatment documented in Lowell include:

- Lack of access to real estate agents
- Incomplete information about available apartments
- Higher rents
- A more strenuous application process
- No follow up from agents or property managers
- Steering

The findings show that the type of discrimination experienced by each of the racial and ethnic groups was steering. Testers were only shown apartments in neighborhoods

predominately populated by people of their race or national origin. African American testers were shown units in predominately African American neighborhoods, Asians in Asian neighborhoods, and Latinos in Latino neighborhoods. Their white counterparts were not shown or told about these apartments but instead were shown units in white neighborhoods. This occurred across town lines, as well, with one agent in a suburban town only showing a tester of color apartments in the city, but showing his white counterpart units in the town itself.

**About testing** The legitimacy of testing evidence in housing discrimination cases has been long upheld by the courts. In fact, in 1982 the Supreme Court in *Havens Realty Corporation v. Coleman*, 102 S.Ct. 1114, held that testers who are discriminated against or receive false information from housing providers have standing to sue.

A rental audit is a systematic investigation of housing discrimination in the rental housing market for the purpose of gauging the prevalence and types of discrimination at play in the market at a given point in time. In order to address housing discrimination — both in terms of education and enforcement — we need an accurate picture of how it occurs, who it affects, and where it is happening. As has been proven elsewhere in the country, the rental audit is one of the most effective tools for taking a region’s discrimination temperature. The findings establish the foundation for future enforcement efforts and serve to heighten awareness among seekers and providers of housing of their rights and obligations under existing fair housing laws.

**Partnerships within Lowell** “The Fair Housing Center is pleased to hear that the City of Lowell is working to update its Analyses of Impediments to Fair Housing,” said David J. Harris, Executive Director of the Fair Housing Center. “We offer this qualitative testing data - regional as well as local - to assist the City in its efforts to evaluate and address current barriers to housing choice.” Harris continued, “We welcome the partnership with the City, its nonprofit partner Community Teamwork Inc., and the Northeast Association of Realtors to eliminate housing discrimination and promote open communities throughout the region.” The Fair Housing Center pursues its mission in Suffolk, Norfolk, Middlesex, Essex and Plymouth counties through education and outreach, public policy analysis, research, and enforcement. This audit of discrimination in the Lowell and Merrimack Valley area is the third rental housing discrimination study released by the Fair Housing Center. This study was funded by a grant from the US Department of Housing and Urban Development, supported by the City of Lowell.

**The Fair Housing Center of Greater Boston provides free assistance for people who have experienced discrimination.** Under federal and state anti-discrimination laws it is illegal to discriminate in housing sales or rentals or in housing lending and insurance on

the basis of: race, color, national origin, sex, religion, age, sexual orientation, military history, disability, familial status, or source of income. If you suspect you have experienced discrimination, please contact the Fair Housing Center of Greater Boston at 617-399-0491. TTY users, please call the MA Relay Service at 1-800-439-2370.